VOLUME 2

STATUTES OF CALIFORNIA

1954 AND 1955

CONSTITUTION OF 1879 AS AMENDED
MEASURES SUBMITTED TO VOTE OF ELECTORS,
1954 GENERAL ELECTION

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

PASSED AT

THE 1954 REGULAR SESSION OF
THE LEGISLATURE

THE 1954 FIRST EXTRAORDINARY SESSION
OF THE LEGISLATURE

AND THE

1955 REGULAR SESSION OF THE LEGISLATURE



67—L-594

CHAPTER 1139

An act to add Sections 6575.5 and 6596 to the Business and Professions Code, relating to barbering.

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 6575.5 is added to the Business and Professions Code, to read:

6575.5. A certificate which has been suspended or revoked shall forthwith be surrendered to the board.

SEC. 2. Section 6596 is added to said code, to read:

6596. A violation of, or any attempt to violate, any of the provisions of this chapter by the holder of any certificate, or aiding or abetting any person in violating or attempting to violate any provision of this chapter, constitutes a cause for disciplinary action.

CHAPTER 1140

An act to add Sections 3401.1, 3401.2, and 8733 to, to repeal Articles 2, 3, and 4, comprising Sections 3431 through 3494, of Chapter 11 of Division 2 of, to add Article 2, comprising Sections 3410 through 3421, to Chapter 11 of Division 2 of, to repeal Articles 13, 13.5, 14, 15, 16, and 17, comprising Sections 3741 through 3841, of Chapter 11 of Division 2 of, to amend Sections 3896, 3897, and 3942 of, to repeal Section 3943 of, and to repeal Article 22, comprising Sections 3961 through 3973, of Chapter 11 of Division 2 of the Education Code, relating to high school district organization.

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 3401.1 is added to the Education Code, to read:

3401.1. A high school district, other than a city high school district, comprising two or more elementary school districts lying wholly in the same county is a union high school district, and such designation shall be part of its name.

Union high school district

SEC. 2. Section 3401.2 is added to said code, to read:

3401.2. A high school district comprising two or more elementary school districts lying wholly or in part in more than

Joint union high school district

one county is a joint union high school district, and such designation shall be part of its name.

Repeal

SEC. 3. Articles 2, 3, and 4, comprising Sections 3431 through 3494, of Chapter 11 of Division 2 of said code are repealed.

SEC. 4. Article 2, comprising Sections 3410 through 3421, is added to Chapter 11 of Division 2 of said code, to read:

Article 2. Formation of High School Districts and Annexation of Elementary School Districts to Existing High School Districts

Declaration of policy

3410. The Legislature hereby declares as its policy that all elementary school districts shall be included in a high school district or in a unified school district. In order to permit school districts to conform voluntarily to this policy, the provisions of this article shall not become operative until February 1, 1957.

County committee Plans and recommendations

3411. The county committee established under Section 4901 of each county in which there is any elementary school district not included within a high school district shall formulate plans and recommendations to be submitted to the State Board of Education for one of the following:

(a) The formation of high school districts or unified school districts comprising one or more of such elementary school districts and the annexation of any such elementary school districts not included therein to the existing high school district or unified school district whose high school is most easily accessible to the pupils of the elementary school district.

(b) The annexation of each of the elementary districts to the existing high school district or unified school district whose high school is most easily accessible to the pupils of the elementary school district.

3412. The county committee established under Section 4901 of each county in which there is a portion of any elementary school district not included within a high school district shall formulate plans and recommendations to be submitted to the State Board of Education for the annexation of such portion of such elementary school district to the existing high school district or unified school district whose high school is most easily accessible to the pupils of the elementary school district.

3413. Plans and recommendations submitted to the State Board of Education which include the territory of two or more counties shall be concurred in by the county committee of each such county.

Hearing

3414. When territory has been selected for the tentative preparation of plans and recommendations, the county committee shall hold one or more public hearings in the territory at which any interested person may be heard. If the territory selected includes territory in two or more counties, the public hearings herein provided for shall be held jointly by the county committees of such counties. Any public hearing may be continued from time to time.

Notice of hearing

3415. At least 20 days prior to the date of a public hearing by a county committee, the county superintendent of schools of the county in which the greater part of such territory is located shall give notice of the hearing by each of the following means:

(a) By mail to the governing board of each school district affected;

(b) By posting in at least three public places in each school district affected; and

(c) By publication in a newspaper of general circulation published in the territory once a week for two weeks, or if there is none, then in a newspaper of general circulation published in the county. The first publication in a newspaper shall be at least 20 days prior to the date of the public hearing.

3416. The notice of a public hearing by a county committee shall contain a general statement of the purpose of the hearing and the time and place thereof.

Submission of plans, etc

3417. Plans and recommendations required by this article shall be formulated and submitted by county committees to the State Board of Education on or before December 1, 1957.

Approval or rejection of plans, etc

3418. (a) The State Board of Education shall consider plans and recommendations submitted to it by a county committee and shall either approve or reject them, or in the event the plans and recommendations submitted by a county committee provide for the inclusion of an elementary district which is coterminous with the boundaries of the county in a high school district or a unified district the State Board of Education may postpone any action until such time as they deem it appropriate for action to be taken.

(b) If the State Board of Education approves plans and recommendations submitted to it by a county committee, it shall enter an order of such approval in its minutes. The order shall describe the boundaries of a new high school district or unified school district and the boundaries as changed in an existing high school district or unified school district.

(c) If the State Board of Education rejects plans and recommendations submitted to it by a county committee, it shall order the county committee to formulate and submit, in the manner provided in this article, new plans and recom-

mendations to the board within such time as may be determined by the board.

(d) The State Board of Education may, when it deems advisable, refer the recommendation of a county committee relating to a single elementary school district to a board of review consisting of three county superintendents of schools of counties not contiguous to the county in which the school district is located. Such board of review shall be appointed by the Superintendent of Public Instruction. The board of review shall investigate and hear the matter in the same manner as prescribed in Sections 3859 through 3863, except that the hearing shall be held in the school building maintained by the district in question and the recommendation of the review board shall be filed with the State Board of Education. The recommendation shall be either to approve or to reject the plans and recommendations of the county committee.

(e) If a petition signed by two-thirds of the registered voters residing in any elementary school district, is filed with the State Board of Education within 60 days of the receipt of the plans and recommendations of the county committee affecting such district, protesting the plans and recommendations, the State Board of Education shall reject the plans and recommendations. Prior to being filed with the State Board of Education the signatures on the petition shall be verified by the county superintendent of schools who shall attach his affidavit that the signatures have been verified and that the petition is sufficient.

Order

3419. (a) Upon approval of plans and recommendations submitted to it by a county committee, the State Board of Education shall notify all school districts affected and the county board of supervisors, the county superintendent of schools, and the county clerk of each county in which any part of the territory affected is situated. The county clerk of each county shall thereupon make an appropriate entry in his record of high school districts or unified school districts, as the case may be.

(b) A certified copy of the order of the State Board of Education shall be recorded in the office of the county recorder of each county in which any portion of a new high school district or unified school district is situated and in each county in which any portion of a high school district or unified school district whose boundaries are changed is situated.

When action deemed complete

3420. The action to form a high school district or unified school district or to annex all or a portion of an elementary school district to a high school district or unified school district under this article shall be deemed to be complete upon com-

pliance by the State Board of Education with Section 3419. The action, regardless of when commenced, shall become effective on the next succeeding first day of July if completed prior to February 1st of a school year, but if not so completed, the action shall become effective on the second next succeeding first day of July, except that for the purposes enumerated in Section 1593 the action shall be effective on the date the action is completed.

Order conclusive evidence of legal boundaries, etc.

3421. After the expiration of one year from the date of the recording of the order of the State Board of Education, as provided in Section 3419, the order shall be conclusive evidence that the high school district has been legally organized or the boundaries of the high school district or unified school district legally changed, as the case may be, and no suit shall be maintained which questions the validity thereof.

Repeal

SEC. 5. Articles 13, 13.5, 14, 15, 16, and 17, comprising Sections 3741 through 3841, of Chapter 11 of Division 2 of said code are repealed.

SEC. 6. Section 3896 of said code is amended to read:

Choice of districts

3896. Where a new elementary school district, other than a union or joint union elementary school district, is formed from territory situated in two or more high school districts, the registered voters of the new school district shall decide by a majority vote to which high school district the new school district shall belong. The election shall be held within 30 days after the formation of the school district, and called by the superintendent of schools of the county in which the school district is situated in the manner provided for the election of the governing board of an elementary school district. The result of the election shall be certified by the superintendent of schools to the county clerk of the county in which the school district is situated, and to the clerk of every other county in which any part of the high school district, selected by the registered voters, is situated, and entered in the clerk's record of high school districts.

SEC. 7. Section 3897 of said code is amended to read:

Union or joint union districts Choice of districts

3897. Where a new union or joint union elementary school district is formed from territory situated in two or more high school districts, the boundaries of the high school districts involved are not changed; provided, however, that prior to the first day of February next succeeding the formation of the union or joint union, or within one year of the date of the election to form the union or joint union, the component districts of such union or joint union school district shall elect to become a part of one high school district, a portion of the territory of which is embraced within the union or joint union school district.

The component districts of a union or joint union school district shall become a part of the high school district which receives the largest number of votes cast at said election.

The election shall be called and conducted by the county superintendent of schools having jurisdiction in the manner provided for the election of the governing board of an elementary school district. The result thereof shall be certified by the superintendent of schools to the county clerks of the counties in which the union or joint union school district is situated and to the clerk of every other county in which any part of the high school district selected by the registered voters is situated, and shall be entered in the clerk's record of high school districts.

SEC. 8. Section 3942 of said code is amended to read:

Lapsation

3942. Upon receiving the report from the county superintendent of schools the board of supervisors shall declare the high school district lapsed. The board of supervisors shall attach the territory of the lapsed high school district to a contiguous high school district or unified school district. The property and obligations of the lapsed district shall become the property and obligations of the high school district or unified school district to which the territory is attached.

Repeal

SEC. 9. Section 3943 of said code is repealed.

Repeal

SEC. 10. Article 22, comprising Sections 3961 through 3973, of Chapter 11 of Division 2 of said code is repealed.

SEC. 11. Section 8733 is added to said code, to read:

Assumption of liability for outstanding bonded indebtedness

8733. This section applies to any elementary school district wholly included in a unified school district or a high school district, including a union high school district, joint union high school district, or county high school district, and which inclusion is effective for all purposes on or after July 1, 1956, and which elementary school district is required, pursuant to this article, to pay, during the first fiscal year commencing on the date inclusion is effective for all purposes, to the unified district or high school district in which it is included two hundred dollars ($200) for each unit of average daily attendance for use of buildings and equipment as part of the tuition charge on account of persons residing in the elementary district who, during the preceding fiscal year, attended high school in the high school district or unified district in which such elementary district is included.

Notwithstanding other provisions of law, such elementary district shall not be liable for the payment of such two hundred dollars ($200) a unit of average daily attendance if, prior to the date the inclusion is effective for all purposes, the elementary district assumes liability for the outstanding bonded indebtedness of the high school district, if it is included in a high school district, or for the outstanding bonded indebtedness of the unified district for high school and junior college purposes, if the elementary district is included in a unified district.

For the purposes of this section, the county superintendent of schools shall determine, pursuant to Section 4714, the

amount of outstanding indebtedness of a unified school district issued for high school and junior college purposes.

Liability for such outstanding bonded indebtedness may be assumed at any election held for such purpose in accordance with law except that, if the elementary district is included in a unified school district, at the request of the governing board of such elementary district, the ballot shall contain, in addition to other required provisions, the words "For assumption of liability of outstanding bonded indebtedness of _____ District issued for high school purposes and junior college purposes [if there is no such indebtedness for junior college purposes the reference to junior college purposes shall be deleted] —Yes" and "For assumption of liability for outstanding bonded indebtedness of _____ District, issued for high school purposes and junior college purposes [if there is no such indebtedness for junior college purposes, the reference to junior college purposes shall be deleted]—No." Election

SEC. 12. Sections 1 through 3 and Sections 5 through 10 of this act shall become operative on February 1, 1957. Operative date

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CHAPTER 1141

An act to amend Section 798 of the Agricultural Code, relating to dates.

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.] In effect September 7, 1955

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

SECTION 1. Section 798 of the Agricultural Code is amended to read:

798 Dates, including dates for use in products or by-products other than alcohol, brandy, and products not intended for human consumption, shall be free from the following defects:

(a) Live insects, whether larva, pupa, or adult;
(b) Decay;
(c) Mold (not including visible colonies of yeast);
(d) Fermentation or souring;
(e) Dead insects, insect parts or excreta;
(f) Dirt or other foreign matter;
(g) Black scald;
(h) Side spots more than three-sixteenths of an inch in length or width;
(i) Damage by improper ripening.

In the interpretation of the foregoing standards, the director shall take into consideration the quality standards for dates prescribed from time to time pursuant to federal law.

Not more than 10 percent, by count, or in the case of dates packed in blocks, by weight, of the dates in any one container or lot may be below these requirements; but of this amount not more than one-half, or 5 percent, shall be allowed for defects (b), (c), (d), (e), or (f), or any combination of these defects, and not more than one-fifth, or 2 percent, shall be allowed for defect (b) No tolerance shall be allowed for defect (a).

All containers and subcontainers of dates shall bear upon them in plain sight on the outside thereof, in letters not less than one-half of an inch in height, the name of the state or the foreign country where the dates were produced, directly preceded by the words "grown in" in like size type. All dates displayed for sale in bulk shall bear upon them in plain sight on the outside thereof, or upon a placard so placed as to have reference to such dates, in letters not less than one-half of an inch in height, the name of the state or the foreign country where the dates were produced, directly preceded by the words "grown in" in like size type. In the case of any containers or subcontainers of contents of not more than three pounds net weight, these markings shall be in letters of not less than one-eighth of an inch in height.

Unpacked dates prior to final grading are exempt from these standards when being transported or delivered to a licensed cold storage warehouse for storage, when in such warehouse for storage, and when being removed from such warehouse and being transported or delivered to a packing plant for grading or reconditioning and until the completion of the first grading or reconditioning after removal from such warehouse.

CHAPTER 1142

An act to repeal Section 2007.5 of the Welfare and Institutions Code and to add Section 2007.5 thereto, relating to aid to the aged.

In effect September 7, 1955

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

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

SECTION 1. Section 2007.5 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 2007.5 is added to said code, to read:

2007.5. No person shall be denied aid under this chapter for any transfer of his property which transfer has not deprived him of the present use, enjoyment or income thereof and which property would not have rendered him ineligible under Section 2163 or Section 2164 or both.

CHAPTER 1143

An act to amend Section 6021 of the Government Code, relating to the requirement of notice of hearing of application for order establishing newspaper as one of general circulation.

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 6021 of the Government Code is amended to read:

6021. The petition or the substance thereof, together with a notice that the petitioner intends on a named day to apply for an order declaring it to be a newspaper of general circulation, shall be published for 10 days:

(a) In the petitioning newspaper, and

(b) In some other newspaper of general circulation published in the same city as the petitioning newspaper if there is one, and if there is none, or if publication in such newspaper is refused, then in some other newspaper of general circulation published in the same county.

CHAPTER 1144

An act to amend Section 11553 of the Business and Professions Code, relating to subdivisions.

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 11553 of the Business and Professions Code is amended to read:

11553. The time limits for acting and reporting on tentative maps as specified in this article may be extended by mutual consent of the subdivider and the governing body or advisory agency as the case may be.

If no action is taken within these time limits, the tentative map as filed shall be deemed to be approved and it shall be the duty of the clerk of the governing body to certify the approval; provided, however, if the advisory agency has reported upon the tentative map within the time limits, has recommended approval or conditional approval and has not disapproved said map and the governing body has failed to act upon the tentative map within the time prescribed by Section 11552 of this code, at the option of the subdivider, the tentative map upon the conditions, if any, set forth in the report of the advisory agency shall be deemed approved and it shall be the duty of the clerk of the governing body to certify the approval.

CHAPTER 1145

An act to amend Section 11612 of the Business and Professions Code, relating to subdivisions.

In effect September 7, 1955

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

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

SECTION 1. Section 11612 of the Business and Professions Code is amended to read:

11612. In the event an agreement for the improvement of the streets or easements is entered into, the governing body may require that the agreement shall be secured by a good and sufficient bond, or it may accept, in lieu thereof, a cash deposit, which bond or cash deposit shall be in an amount not in excess of the estimated cost of the improvement. However, the subdivider, in lieu of the agreement to construct improvements, and the bond or cash deposit to secure it, may enter into a contract with the governing body, secured by a faithful performance bond or cash deposit, if required by the governing body, in an amount not to exceed the estimated cost of the improvement, by which he agrees, within such time as may be provided in the contract, to initiate and to consummate proceedings under an appropriate special assessment act for the formation of a special assessment district covering the subdivision or part thereof, for the financing and construction of designated improvements upon the streets or easements dedicated by the map. Any such agreement or contract shall by its terms provide for the acceptance of the work as it progresses and for partial withdrawal of the deposit, in money or bonds, upon certificate of the county surveyor or the city engineer, or other public official or employee authorized to perform such function, in a manner similar to cash payments under cash contracts and under rules established by the governing body.

CHAPTER 1146

An act to amend Section 5871 of the Streets and Highways Code, relating to special assessment proceedings under the Improvement Act of 1911.

In effect September 7, 1955

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

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

SECTION 1. Section 5871 of the Streets and Highways Code is amended to read:

5871. This chapter shall apply only to the construction of sidewalks, gutters, pavements, and curbs in front of properties in any block where a sidewalk, gutter, pavement, or curb or all

of them have been constructed theretofore in front of properties in said block constituting more than fifty percent (50%) of the front footage of said block. As used in this chapter, "sidewalks and curbs" includes "gutters" and includes "pavement" to the center line of the street.

CHAPTER 1147

An act to add Sections 72705.5 and 72756 to the Government Code, relating to compensation of municipal court officers and attaches of Los Angeles County.

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 72705.5 is added to the Government Code, to read:

72705.5 Each amount of the monthly salary schedule set forth in Section 72705 shall be increased seven and one-half (7½) percent, effective September 15, 1955.

SEC. 2. Section 72756 is added to the Government Code, to read:

72756. The salary of each position mentioned in this article, and the present salary of each person mentioned in subsection (i) of Section 72755 and employed in each of such courts on the effective date hereof, shall be increased seven and one-half (7½) percent over the amount therein specified, effective September 15, 1955.

CHAPTER 1148

An act to amend Section 69895 of the Government Code, relating to the secretary and assistant secretaries of the superior court in counties having a population of less than 2,000,000 but more than 750,000: salary.

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 69895 of the Government Code is amended to read:

69895. In any county with a population of less than 2,000,000 but more than 750,000, as ascertained pursuant to Section 28020, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, the salary of the secretary shall be one thousand two hundred dollars ($1,200) a month.

Secretaries, etc., of Superior Court of City and County of San Francisco Salaries

In such a county with a population of over 750,000 but less than 2,000,000, on the authorization of the judges, 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 five hundred twenty-five dollars ($525) a month. The salaries of such secretaries and of such assistants shall be paid by the county in which they serve.

CHAPTER 1149

An act to add Section 677.5 to the Vehicle Code, relating to safety belts.

In effect September 7, 1955

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

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

SECTION 1. Section 677.5 is added to the Vehicle Code, to read:

677.5. Safety Belts. (a) Any safety belt or safety harness installed in a vehicle and large enough to accommodate an adult person shall be designed and installed in such manner as to prevent or materially reduce movement of any such person using the same in the event of collision or upset of the vehicle.

(b) The department shall establish specifications or requirements for approved type safety belts and safety harnesses, attachments and installation, in accordance with the provisions of this section, and such specifications or requirements shall not be lower in standard than those specifications or requirements for safety belts or safety harnesses established by the Civil Aeronautics Administration Technical Standard Orders for Safety Belts and Safety Harnesses.

(c) No person shall sell, offer or keep for sale any safety belt, safety harness, or attachments thereto as referred to in subdivision (a) for use in a vehicle, unless of a type which has been approved by the department.

CHAPTER 1150

An act to amend Section 35002.5 of the Government Code, relating to the annexation of territory to cities.

In effect September 7, 1955

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

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

SECTION 1. Section 35002.5 of the Government Code is amended to read:

35002.5. Territory shall not be deemed contiguous as the word "contiguous" is used in this chapter if the only con-

tiguity is based on a strip of land over 300 feet long and less than 200 feet wide, such width to be exclusive of highways.

Territory shall be deemed contiguous as the word "contiguous" is used in this chapter if the area thereof is separated by territory within the boundaries of another city or if such area is separated from the boundaries of an annexing city by territory within the boundaries of another city; provided, such separating territory became within the boundaries of the other city prior to January 1, 1925; and further provided, such separating territory is not in excess of 200 feet in width at all its separating points; and providing, that said separating territory within said separating point is uninhabited as defined in Section 35303 of the Government Code.

CHAPTER 1151

An act to add Section 116 to the Business and Professions Code, relating to denial of licenses.

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 116 is added to the Business and Professions Code, to read:

116. Any agency in the department which is authorized by law to deny an application for a license upon the ground that the applicant lacks good character, may without a hearing deny an application upon such ground, if within one year previously, and after proceedings conducted in accordance with the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, such agency has denied an application from the same applicant upon the ground that such applicant lacks good character.

CHAPTER 1152

An act to amend Section 19503 of the Government Code, relating to automatic resignation from the state civil service.

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 19503 of the Government Code is amended to read:

19503. Absence without leave, whether voluntary or involuntary, for five consecutive working days is an automatic

resignation from state service, as of the last date on which the employee worked.

A permanent or probationary employee may within 90 days of the effective date of such separation, file a written request with the board for reinstatement; provided, that if the appointing power has notified the employee of his automatic resignation, any request for reinstatement must be made in writing and filed within 15 days of the service of notice of separation. Service of notice shall be made as provided in Section 18575 and is complete on mailing. Reinstatement may be granted only if the employee makes a satisfactory explanation to the board as to the cause of his absence and his failure to obtain leave therefor, and the board finds that he is ready, able, and willing to resume the discharge of the duties of his position or, if not, that he has obtained the consent of his appointing power to a leave of absence to commence upon reinstatement.

An employee so reinstated shall not be paid salary for the period of his absence or separation or for any portion thereof.

CHAPTER 1153

An act to amend Sections 1375, 1376, 1379 and 2602 of, and to amend the heading of Article 4 of Chapter 5 of Part 1 of, and to add Article 5 to Chapter 2 of Part 2 of, the Unemployment Insurance Code, said Article 5 comprising Sections 2735 to 2740, inclusive, relating to unemployment insurance.

In effect September 7, 1955

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

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

SECTION 1. Section 1375 of the Unemployment Insurance Code is amended to read:

Liability for overpayments of benefits

1375. Any person who is overpaid any amount as benefits under this part is liable for the amount overpaid unless:

(a) The overpayment was not due to fraud, misrepresentation or wilful nondisclosure on the part of the recipient, and

(b) The overpayment was received without fault on the part of the recipient, and its recovery would be against equity and good conscience.

SEC. 2. Section 1376 of said code is amended to read:

Notice

1376. The director shall determine the amount of the overpayment and shall notify the liable person of the basis of the overpayment determination. In the absence of fraud, misrepresentation, or wilful nondisclosure, notice of the overpayment determination shall be mailed or personally served not later than one year after the close of the benefit year in which the overpayment was made.

SEC. 3. Section 1379 of said code is amended to read:

Recovery

1379. The director, subject to the provisions of this article, may do either of the following in the recovery of overpayments:

(a) File a civil action against the liable person for the recovery of the amount of the overpayment within one year after the mailing or personal service of the notice of overpayment determination.

(b) Offset the amount of the overpayment received by the liable person against any amount of benefits to which he may become entitled under this division within any of the following periods:

(1) The current disability benefit period.

(2) The current benefit year.

(3) Any benefit year which begins during the three-year period next succeeding the date of the mailing or personal service of the notice of overpayment determination.

(4) One year from the beginning date of any disability benefit period which begins during the three-year period next succeeding the date of the mailing or personal service of the notice of overpayment determination.

SEC. 4. Section 2602 of said code is amended to read:

Applicable and prevailing law

2602. (a) Except as otherwise provided, the provisions and definitions of Part 1 of this division apply to this part. In case of any conflict between the provisions of Part 1 and the provisions of this part, the provisions of this part shall prevail with respect to unemployment compensation disability benefits, and the provisions of Part 1 prevail with respect to unemployment compensation benefits.

(b) The provisions of Article 4 of Chapter 5 of Part 1, and the provisions of Chapter 6 of Part 1 of this division do not apply to this part.

(c) Sections 312, 318, 319, 1251, 1253, 1254, 1255, 1279, 1326 to 1333, inclusive, 1339, and 1340 do not apply to this part.

SEC. 5. The heading of Article 4 of Chapter 5 of Part 1 of said code is amended to read:

Article 4. Overpayments

SEC. 6. Article 5 is added to Chapter 2 of Part 2 of said code, to read:

Article 5. Overpayments

Liability for overpayments of benefits

2735. Any person who is overpaid any amount as benefits under this part is liable for the amount overpaid unless:

(a) The overpayment was not due to fraud, misrepresentation or wilful nondisclosure on the part of the recipient, and

(b) The overpayment was received without fault on the part of the recipient, and its recovery would be against equity and good conscience.

Notice

2736. The director shall determine the amount of the overpayment and shall notify the recipient of the basis of the overpayment determination. In the absence of fraud, misrepresentation or wilful nondisclosure, notice of the overpayment determination shall be mailed or personally served on the recipient within two years after the beginning of the disability benefit period for which the overpayment was made.

Appeal

2737. Within 10 days from the date of mailing or serving of the notice of overpayment determination, the person affected may file an appeal to a referee. The referee, after affording reasonable opportunity for a fair hearing, shall unless the appeal is withdrawn, affirm, set aside, or modify the findings set forth in the notice of overpayment determination. The party shall be notified of the referee's decision, together with his reasons therefor, which shall be final unless within 10 days from the date of notification or mailing of the decision a further appeal is initiated to the Appeals Board pursuant to Section 1336. The 10-day period for an appeal to the referee or to the Appeals Board may be extended for good cause.

Determination by Appeals Board

2738. The Appeals Board after affording the person a hearing shall review the overpayment determination and determine what amount, if any, shall be recovered.

Recovery

2739. The director, subject to the provisions of this article, may do either of the following in the recovery of overpayments:

(a) File a civil action against the liable person for the recovery of the amount of the overpayment within one year after the mailing or personal service of the notice of overpayment determination.

(b) Offset the amount of the overpayment received by the liable person against any amount of benefits to which he may become entitled under this division within any of the following periods:

(1) The current disability benefit period.

(2) The current benefit year.

(3) Any benefit year which begins during the three-year period next succeeding the date of the mailing or personal service of the notice of overpayment determination.

(4) One year from the beginning date of any disability benefit period which begins during the three-year period next succeeding the date of the mailing or personal service of the notice of overpayment determination.

No recovery if determination affirmed

2740. No person shall be liable for the amount of benefits received where the 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.

CHAPTER 1154

An act to amend Sections 73602 and 73603 of the Government Code, relating to salaries in the municipal court in a district embracing the Cities of Daly City and South San Francisco.

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 73602 of the Government Code is amended to read:

73602. There shall be one clerk who shall receive an annual salary of five thousand eight hundred ninety-two dollars ($5,892).

SEC. 2. Section 73603 of said code is amended to read:

73603. The clerk may appoint:

(a) Two deputy clerks, class II, each of whom shall receive a salary of two hundred sixty-six dollars ($266) per month, and annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17) and eighteen dollars ($18) to a maximum of three hundred thirty-two dollars ($332) per month.

(b) Three deputy clerks, class I, each of whom shall receive a salary of two hundred thirty-eight dollars ($238) per month, and annual increments of fourteen dollars ($14), fourteen dollars ($14), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of two hundred ninety-seven dollars ($297) per month.

CHAPTER 1155

An act to amend Sections 73522 and 73523 of the Government Code, relating to municipal court in the Cities of Burlingame and San Mateo.

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 73522 of the Government Code is amended to read:

73522. There shall be one clerk who shall receive an annual salary of five thousand eight hundred ninety-two dollars ($5,892).

SEC. 2. Section 73523 of said code is amended to read:

73523. The clerk may appoint:

(a) Two deputy clerks, each of whom shall receive a salary of two hundred sixty-six dollars ($266) per month, and annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18) to a maximum of three hundred thirty-two dollars ($332) per month.

(b) Three deputy clerks, each of whom shall receive a salary of two hundred thirty-eight dollars ($238) per month, and annual increments of fourteen dollars ($14), fourteen dollars ($14), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of two hundred ninety-seven dollars ($297) per month.

CHAPTER 1156

An act to amend Sections 74302 and 74303 of the Government Code, relating to the constitution of the municipal court in a district embracing the Cities of San Carlos and Redwood City.

In effect September 7, 1955

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

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

SECTION 1. Section 74302 of the Government Code is amended to read:

74302. There shall be one clerk who shall receive an annual salary of five thousand eight hundred ninety-two dollars ($5,892).

SEC. 2. Section 74303 of said code is amended to read:

74303. The clerk may appoint:

(a) One chief deputy clerk who shall receive a salary of two hundred ninety-seven dollars ($297) a month, and annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) to a maximum of three hundred seventy-one dollars ($371) a month.

(b) Two deputy clerks, each of whom shall receive a salary of two hundred sixty-six dollars ($266) a month, and annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18) to a maximum of three hundred thirty-two dollars ($332) a month.

(c) Five deputy clerks, each of whom shall receive a salary of two hundred thirty-eight dollars ($238) a month, and annual increments of fourteen dollars ($14), fourteen dollars ($14), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of two hundred ninety-seven dollars ($297) a month.

CHAPTER 1157

An act to amend Section 690.2 of the Code of Civil Procedure, relating to exemptions from attachment and execution.

In effect September 7, 1955

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

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

SECTION 1. Section 690.2 of the Code of Civil Procedure is amended to read:

690.2. Necessary household, table, and kitchen furniture belonging to the judgment debtor, including one refrigerator, washing machine, sewing machine, stove, stovepipes and furniture; wearing apparel, beds, bedding and bedsteads, hanging pictures, oil paintings and drawings drawn or painted by any member of the family, and family portraits and their necessary frames, provisions and fuel actually provided for individual or family use, sufficient for three months, and three cows and their suckling calves, four hogs and their suckling pigs, and food for such cows and hogs for one month; also one radio, one television receiver, one piano, one shotgun and one rifle.

CHAPTER 1158

An act to amend Sections 4826 and 4827 of the Business and Professions Code, relating to the practice of veterinary medicine and surgery.

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 4826 of the Business and Professions Code is amended to read:

4826. Any person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he does any one of the following:

(a) Represents himself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches.

(b) Diagnoses, prescribes or administers a drug, medicine, appliance or application or treatment of whatever nature for the prevention, cure or relief of a wound, fracture, or bodily injury or disease of animals.

(c) Performs a surgical operation upon an animal.

(d) Performs any manual procedure for the diagnosis of pregnancy, sterility, or infertility upon livestock.

(e) Uses any words, letters or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine, veterinary surgery or veterinary dentistry. Such use shall be prima facie evidence of the intention to represent himself as engaged in the practice of veterinary medicine, veterinary surgery or veterinary dentistry.

SEC. 2. Section 4827 of said code is amended to read:

4827. Nothing in this chapter prohibits any person from:

(a) Practicing veterinary medicine upon his own animals.

(b) Being assisted in such practice by his employees when employed in the conduct of such person's business.

(c) Being assisted in such practice by some other person gratuitously.

(d) The lay testing of poultry by the whole blood agglutination test.

(e) Making any determination as to the status of pregnancy, sterility, or infertility upon livestock at the time an animal is being inseminated, providing no direct charge is made for such determination.

CHAPTER 1159

An act to amend Section 601 of the Code of Civil Procedure, relating to peremptory challenges in civil actions.

In effect September 7, 1955

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

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

SECTION 1. Section 601 of the Code of Civil Procedure is amended to read:

601. Either party may challenge the jurors, but where there are several parties on either side, they must join in the challenge before it can be made. The challenges are to individual jurors, and are either peremptory or for cause. Each side is entitled to six peremptory challenges. When two or more actions are consolidated for trial the court shall in its order of consolidation determine the respective sides of the parties in the actions consolidated and may, where the interest of justice requires, determine that there are more than two sides and, in such event, each of the several sides is entitled to six peremptory challenges, and the court shall in its said order determine the order in which the sides shall exercise their respective peremptory challenges. If no peremptory challenges are taken until the panel is full, they must be taken or passed by the sides alternately, commencing with the plaintiff, and if each side passes consecutively, the jury shall then be sworn, unless the court, for good cause, shall otherwise order. Each side shall be entitled to have the panel full before exercising any peremptory challenge. The number of peremptory challenges remaining with a side shall not be diminished by any passing of a peremptory challenge.

CHAPTER 1160

An act to amend Section 4982 of, and to add Section 4662.1 to the Education Code, relating to reorganization of school districts.

In effect September 7, 1955

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

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

SECTION 1. Section 4982 of the Education Code is amended to read:

4982. Any principal, supervisor, or district superintendent, in any school district, which district is included in whole in a unified school district, shall continue as an employee of the unified school district under the terms of his then current contract; providing that the term of such employment shall not be less than two years; and provided also, that the governing board of the unified school district may make any reasonable reassignment of his duties.

If all of the territory of any school district becomes part of two or more unified districts and the inclusion in the two or more unified districts of the several portions of territory comprising the whole of such district is effective for all purposes upon the same date, any principal shall continue as an employee of the unified district in which the school to which he was assigned is included, and any supervisor or district superintendent shall continue as an employee of one of the unified districts in which a portion of the former district is included, at the election of such supervisor or superintendent. Continued employment shall be under the terms of the employee's current contract; providing that the term of such employment shall not be less than two years; and provided also, that the governing board of the unified school district may make any reasonable reassignment of his duties.

SEC. 2. Section 4662.1 is added to said code, to read:

4662.1. A unified school district may be annexed to another unified school district in the same manner as a single elementary school district may be annexed to another single elementary school district pursuant to Article 7.5 of Chapter 7 of Division 2.

CHAPTER 1161

An act to amend Section 1505.5 of the Military and Veterans Code, relating to the definition of a "state of extreme emergency" without a proclamation of the Governor.

[Approved by Governor June 18, 1955 Filed with Secretary of State June 20, 1955]

In effect September 7, 1955

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

SECTION 1. Section 1505.5 of the Military and Veterans Code is amended to read:

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 or upon the issuance by the Western Air Defense Force of an alert warning indicating that an enemy attack is probable, of which alert warning the Governor's Office has been notified. 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.

CHAPTER 1162

An act to amend Section 5701 of the Welfare and Institutions Code, relating to license fees of private institutions.

In effect September 7, 1955

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

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

SECTION 1. Section 5701 of the Welfare and Institutions Code is amended to read:

5701. Every application for a license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the department requires. The department shall adopt such rules and regulations as are necessary to properly enforce and apply the provisions of this code relating to licensed private mental institutions, and may classify the establishments and prescribe minimum standards of safety, sanitation, diagnostic, medical, nursing, therapeutic and other facilities and equipment for each class of establishment.

The application shall be accompanied by the proper license fee. The amount of the license fee for each fiscal year is that fixed by the following schedule:

(a) For establishments licensed to receive not more than ten (10) patients, the fee is twenty dollars ($20).

(b) For establishments licensed to receive more than ten (10) but not more than thirty (30) patients, the fee is forty dollars ($40).

(c) For establishments licensed to receive more than thirty (30) but not more than fifty (50) patients, the fee is seventy-five dollars ($75).

(d) For establishments licensed to receive more than fifty (50) patients, the fee is one hundred dollars ($100).

In case of the issuance of a license on or after the first day of January next succeeding the beginning of the fiscal year, the license fee for the remainder of the fiscal year is one-half the sum fixed for the entire fiscal year. The department shall require a license fee, in situations where licensed establishments increase their number of patients during any fiscal year, based upon a pro-rata charge under the schedule set forth herein.

An additional fee shall be required in accordance with the schedule set forth herein in the event of an application for transfer of a license to another person to operate the same establishment or for the transfer of a license issued in the name of one person to operate an establishment at a certain location where an application is received to transfer that license to the same person to operate an establishment at a different location.

CHAPTER 1163

An act to amend Sections 35116, 35122 and 35147 of the Government Code, relating to the annexation of inhabited territory to cities.

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.] In effect September 7, 1955

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

SECTION 1. Section 35116 of the Government Code is amended to read:

35116. Upon receiving a petition signed by not less than one-fourth of the qualified electors residing within the territory, as shown by the county registration of voters, containing a description of the new territory proposed to be annexed and asking that the territory be annexed, the city legislative body shall without delay pass a resolution of intention to call a special election and of its intention to submit the question of annexation to the electors residing in the territory. The city clerk and the county officer having charge of the registration of voters shall, within two weeks, check the petition and certify the sufficiency thereof. If the clerk's certificate shows the petition to be insufficient, a supplemental petition bearing additional signatures may be filed within 10 days of the date of the certificate of insufficiency. The clerk and the county officer having charge of the registration of voters shall, within 10 days after the supplemental petition is filed, examine it and certify the sufficiency thereof. If the petition is not signed by the requisite number of electors, the legislative body is without jurisdiction to proceed further, and all prior proceedings, including such petition, shall be null and void. Resolution of intention to call special election

SEC. 2. Section 35122 of said code is amended to read:

35122. If it finds that a majority protest is not made as prescribed in Section 35121, the city legislative body shall call a special election without delay and submit to the electors residing in the territory the question whether it shall be annexed to and incorporated within the city. Such election shall be held not sooner than 54 days and not later than 75 days after the termination of the hearing on protests. Special annexation election

The city legislative body, as an alternative to the foregoing, may by its resolution thereupon terminate the proceedings without the necessity of calling such election. If proceedings are terminated hereunder, no further proceedings shall be taken for the annexation pursuant to this article of any of such territory by the city for one year. Alternative procedure

SEC. 3. Section 35147 of said code is amended to read:

35147. When any city to which it is proposed to annex territory pursuant to this article has incurred, or authorized the incurring of, any bonded indebtedness for the acquisition, construction, or completion of any municipal improvements, or has fixed an amount of money to represent the value to the Question of bonded indebtedness, etc

territory to be annexed of municipal improvements already paid for by city taxpayers, the petition presented to the city legislative body may contain a request that the question submitted to the electors residing in the territory shall be, whether the territory shall be annexed, and the property in the territory subjected to taxation after annexation, equally with the property within the city, to pay any specified portion of such bonded indebtedness outstanding or authorized at the date of the first publication of the notice of election or the petition presented to the city legislative body may, either additionally or alternatively contain a request that the question submitted to the electors residing in the territory shall be, whether the territory shall be annexed, and the property in the territory subjected to taxation after annexation to pay the amount of money fixed to represent the value to the territory of municipal improvements already paid for by city taxpayers.

CHAPTER 1164

An act to amend Sections 35124, 35146, 35306, and 35318 of the Government Code, relating to annexation to cities.

In effect September 7, 1955

[Approved by Governor June 18, 1955. Filed with Secretary of State June 20, 1955.]

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

SECTION 1. Section 35124 of the Government Code is amended to read:

Contents of notice

35124. The notice shall:

(a) State the date of the election.

(b) State distinctly the proposition to be submitted.

(c) Describe specifically the boundaries of the territory proposed to be annexed.

(d) Designate the name by which the territory may be indicated upon the election ballots, which shall be that given it in the resolution of intention to call a special election.

(e) Instruct the electors how to vote in the election.

The notice may set a date when, pursuant to Section 35146, the annexation will become effective if the annexation is completed.

SEC. 2. Section 35146 of said code is amended to read:

Annexation complete, etc.

35146. From the date of filing by the Secretary of State, annexation proceedings are complete. The annexed territory is a part of the city from the date fixed by the legislative body in the notice described in Section 35124, but not later than one year after the date of filing by the Secretary of State or the due date of property taxes levied by the city in the territory, whichever occurs first, except that for the purpose of compliance with Sections 34080 and 54900 of this code, and any action required for the assessment and levy of property taxes,

the territory shall be deemed a part of the city from the date of filing by the Secretary of State. If no date is fixed by the legislative body in the resolution described in Section 35124, the territory is a part of the city for all purposes from the date of filing by the Secretary of State.

SEC. 3. Section 35306 of said code is amended to read:

Contents of resolution

35306. The resolution shall describe the boundaries of the territory specifically, designate it by an appropriate name, and contain a notice of the time and place the legislative body will hear protests made by any person owning real property within the territory. In the resolution the legislative body may set a date when, pursuant to Section 35318, the annexation will become effective if such annexation is completed.

SEC. 4. Section 35318 of said code is amended to read:

Annexation complete, etc

35318. From the date of filing by the Secretary of State, annexation proceedings are complete. The annexed territory is a part of the city from the date fixed by the legislative body in the resolution described in Section 35306, but not later than one year after the date of filing by the Secretary of State or the due date of property taxes levied by the city in the territory, whichever occurs first, except that for the purpose of compliance with Sections 34080 and 54900 of this code, and any action required for the assessment and levy of property taxes, the territory shall be deemed part of the city from the date of filing by the Secretary of State. If no date is fixed by the legislative body in the resolution described in Section 35306 the territory is a part of the city for all purposes from the date of filing by the Secretary of State.

CHAPTER 1165

An act to amend Sections 404, 641, 675, 704, 705, 706, 709, 991, 992, 993, 994, 1030, 1035, 1055, 1087, 1115, 1131, 1134, 1136, 1137, 1138, 1139, 1140, 1180, 1182, 1184, 1276, 1309, 1401, 1403, 1404, 1406, 1527, 1535, 1558, 1559, 1755, 1817, 2110, and 2602 of, and to repeal Sections 636 and 676 of, and to add Section 1788 to, and to add Article 6 to Chapter 2 of Part 2 of, and to amend the heading of Article 5 of Chapter 5 of Part 1 of, the Unemployment Insurance Code, said Article 6 comprising Sections 2765 to 2771, inclusive, relating to unemployment insurance.

[Approved by Governor June 21, 1955. Filed with Secretary of State June 21, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 404 of the Unemployment Insurance Code is amended to read:

Appointment, etc., of referees

404. The Appeals Board, or the executive officer subject to its direction and control to whom it delegates such responsibility, shall appoint and direct the activities of one or more

impartial referees who shall hear and render a decision in every matter in which a petition is filed with, or an appeal is taken to, a referee as provided in this division. The compensation of the referees shall be fixed by the State Personnel Board at a rate comparable to that of other referees or hearing officers in state service whose duties and responsibilities are comparable, without regard to whether such other positions have membership in the State Bar of California as a prerequisite to appointment. No referee shall participate in any case in which he is an interested party.

SEC. 2. Section 641 of said code is amended to read:

Income tax exempt organizations

641. "Employment" does not include service performed in any calendar quarter in the employ of any organization exempt from federal income tax if:

(a) The remuneration for such service is less than fifty dollars ($50).

(b) Such service is in connection with the collection of dues or premiums for a fraternal beneficiary society, order or association and is performed away from the home office or is ritualistic service in connection with any such society, order or association.

(c) Such service is performed by a student who is enrolled and is regularly attending classes at a school, college or university.

SEC. 3. Section 675 of said code is amended to read:

"Employer"

675. "Employer" means any employing unit, which for some portion of a day, has within the current calendar year or had within the preceding calendar year in employment one or more individuals and pays wages for employment in excess of one hundred dollars ($100) during any calendar quarter.

SEC. 4. Section 704 of said code is amended to read:

Approval—established business

704. The director shall not approve an election under Section 701, 702, 703 or 708 until it has been established to his satisfaction that the employing unit is normally and continuously engaged in a regular trade, business or occupation.

SEC. 5. Section 705 of said code is amended to read:

Termination

705. An elective coverage agreement approved by the director pursuant to Section 701, 702, 703 or 708 may be terminated as of January 1st of any calendar year only if the agreement has been in effect for two calendar years and if the employing unit, on or before the thirty-first day of January of that year, has filed with the director a written application for termination

SEC. 6. Section 706 of said code is amended to read:

Waiver of termination

706. The director may for good cause waive the requirement of Section 705 that a written application for termination shall be filed on or before the thirty-first day of January.

SEC. 7. Section 709 of said code is amended to read:

Public employees

709. Whenever the State, a political subdivision thereof, or an instrumentality of one or more states or political subdivisions files with the director its written intention to be-

come an employer subject to this division, or to have any of its departments or units become employers subject to this division, and to have the services performed by its employees constitute employment subject to this division, it shall post and maintain printed notices of such intention on its premises, as prescribed by authorized regulations. If the director finds that a majority of the employees to be affected by such action have held an election and have voted in favor thereof, such state, political subdivision thereof, instrumentality, or department or unit thereof shall thereupon become an employer subject to this division to the same extent as other employers, and services performed by its employees shall constitute employment subject to this division.

This section shall not apply to employees holding civil service or permanent tenure positions.

SEC. 8. Section 991 of said code is amended to read:

Erroneous payments to another state, etc

991. (a) Any contributions paid to the Unemployment Fund or Disability Fund either 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, or with respect to wages on which contributions computed under the Federal Unemployment Tax Act previously have been paid in error and without negligence on the part of the employing unit to an agency of the Federal Government, shall be deemed for the purposes of this division to have been paid to the department at the time of the erroneous payment to the other state or to the federal agency, if payment is made to the department by the employing unit within 30 days after the employing unit is given notice by the director of the determination that payment shall be made to the department. The 30-day period for payment may be extended by the director for good cause for a period not to exceed an additional 90 days.

Same

(b) Any contributions paid to the Unemployment Fund or Disability Fund with respect to wages on which contributions computed under this division previously have been paid in error and without negligence on the part of the employing unit to an admitted disability insurer, to trustees administering a voluntary plan for the employing unit, to a self-insured plan of the employing unit, to another agency of this State, or to an agency of the Federal Government shall be deemed, solely to the extent of the amount of contributions previously paid in error and without negligence, for the purposes of this division to have been paid to the department at the time of the erroneous payment to the admitted disability insurer, to trustees administering a voluntary plan for the employing unit, to a self-insured plan of the employing unit, to another agency of this State, or to the federal agency, if payment is made to the department by the employing unit within 30 days after the employing unit is given notice by the director of the determination that payment shall be made to the department. The 30-day period for payment may be extended by the director for

good cause for a period not to exceed an additional 90 days. As used in this subdivision "paid" includes credits made to a self-insured plan of the employing unit. With respect to payments by an employing unit to an admitted disability insurer, to trustees administering a voluntary plan for the employing unit, or to a self-insured plan of the employing unit, this subdivision shall apply only if the employing unit has or had an approved voluntary plan with the recipient of the payment, or at the time of payment had applied to the department for a voluntary plan which was subsequently approved by the department.

Applicable laws

(c) If payment is not made within the 30-day period or within the period for which an extension is granted, this section shall not apply and Articles 7 and 8 of Chapter 4 of, and Chapter 7 of, Part 1 of this division with respect to the payment of reported contributions, and the assessment and collection of contributions shall apply.

Notice

(d) Notices under subdivisions (a) and (b) of this section may be served personally or by mail. In case of service by mail, the notice shall be addressed to the employing unit at the same address that appears on the records of the department. The service by mail is complete at the time of deposit in the United States mail.

Applicable laws

(e) If the director finds that the collection of any contributions will be jeopardized by delay this section shall not apply and the director may make a jeopardy assessment and collect the contributions pursuant to Article 8 of Chapter 4 of, and Chapter 7 of, Part 1 of this division.

SEC. 9. Section 992 of said code is amended to read:

Permissive legislation for "100 percent offset"

992. During such time as the Federal Unemployment Tax Act is amended so that employers are allowed, against the tax imposed by Section 3301 of that act, credits amounting to 100 percent of such tax on account of contributions paid under this code, then the additional contributions provided for by Section 993 shall be required to be paid into the Unemployment Fund.

SEC. 10. Section 993 of said code is amended to read:

Same

993. Every employer who is subject to the tax provided for by Section 3301 of the Federal Unemployment Tax Act, shall, subject to Section 992, pay into the Unemployment Fund in addition to the amounts required by other provisions of this division an amount equal to three-tenths of 1 percent of all wages paid by him in employment and included in the measure of the contributions allowed as the credit against the tax imposed by Section 3301 of the Federal Unemployment Tax Act.

SEC. 11. Section 994 of said code is amended to read:

Same Contingent effect

994. Sections 992 and 993 shall not become operative unless the Secretary of Labor certifies that they are in conformity with the provisions of Title III of the Social Security Act and Sections 3302, 3303, and 3304 of the Federal Unemployment Tax Act.

SEC. 12. Section 1030 of said code is amended to read:

1030. Any employer who is entitled under Article 3 of Chapter 5 of this part to receive notice of the filing of a new or additional claim or notice of computation may, within 10 days after mailing of whichever is the earlier of such notices, 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.

Employer's right to notify department of cause of claimant's leaving

Determination of cause

Appeals

SEC. 13. Section 1035 of said code is amended to read:

1035. (a) The director shall give notice to the employer of his action on a protest filed under Section 1034. Within 30 days of notice of denial of the protest the employer may file with a referee a petition for review. An additional 30 days for the filing of such petition may for good cause be granted by the Appeals Board. The referee shall give at least 20 days' notice of the time and place of the hearing on the petition by delivering or mailing the notice to the employer and to the director. The time of notice may be shortened with the consent of the parties. The referee shall render a decision in the matter. The employer and the director shall be promptly notified of the referee's decision, together with his reasons therefor.

Petition for review

(b) The referee's decision shall be final unless, within 30 days after the mailing of the decision, the employer or the director files an appeal to the Appeals Board. This appeal period may be extended where good cause is found to exist by the Appeals Board.

(c) A decision of the Appeals Board under this section shall be subject to judicial review, as provided by law, if an appropriate proceeding is filed by the employer within 90 days of the date of mailing of the decision. The director may in writing extend for a period of not exceeding two years the time within which such proceeding may be instituted if written request for such extension is filed with the director within the 90-day period.

SEC. 14. Section 1055 of said code is amended to read:

1055. (a) In the event of a denial or granting of an application for transfer of reserve account, the director shall give notice to the employing unit making such application, and to the predecessor employing unit to whose reserve account the application relates, if such predecessor employing unit has continued in business as an employer. Such notices shall be served personally, or by mail pursuant to Section 1013 of the Code of Civil Procedure and addressed to the employing unit at its address as it appears in the records of the department. Service by mail is complete at the time of deposit in the United States mail. Within 30 days after service of notice of

Petition for hearing on transfer of reserve accounts

denial or granting of transfer of reserve account any employing unit affected may file with a referee a petition for review. An additional 30 days for the filing of such petition may for good cause be granted by the Appeals Board. The referee shall give at least 20 days' notice of the time and place of the hearing on the petition by delivering or mailing the notice to the employing unit which filed the petition and to the director. The time of notice may be shortened with the consent of the parties. The referee shall render a decision in the matter. Every employing unit which is a party to the petition and the director shall be promptly notified of the referee's decision, together with his reasons therefor.

(b) The referee's decision shall be final unless, within 30 days after the mailing of the decision, any employing unit which is a party to the petition or the director files an appeal to the Appeals Board. This appeal period may be extended where good cause is found to exist by the Appeals Board.

(c) Within 90 days after the mailing of the notice of the decision of the Appeals Board, any interested party may bring an action against the director with respect to that decision. 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.

SEC. 15. Section 1087 of said code is amended to read:

Registration by Board of Equalization

1087. Any officer or employee of the Sales and Use Tax Division of the Board of Equalization who is authorized to accept an application for a seller's permit under Section 6066 of the Revenue and Taxation Code or authorized to register a retailer under Section 6226 of the Revenue and Taxation Code is a duly authorized agent of the Department of Employment for purposes of accepting registration of employers as required in this part. Any officer or employee of the Board of Equalization who is authorized to accept an application for a license to operate commercial motor vehicles under Section 9701 of the Revenue and Taxation Code or authorized to issue a license under Section 9703 of the Revenue and Taxation Code is a duly authorized agent of the Department of Employment for purposes of accepting registration of employers as required in this part.

The department shall reimburse the Board of Equalization for any additional costs incurred by reason of services by any of its officers or employees to the department pursuant to this section.

SEC. 16. Section 1115 of said code is amended to read:

Returns when jeopardy exists

1115. (a) If the director finds that the collection of any contributions will be jeopardized in any case where an employing unit is insolvent, or is delinquent in a substantial amount of contributions due under this division, or has discontinued or is about to discontinue business at any of its known places of business, or the business is of a temporary or

seasonal nature, the director may, upon giving the employing unit 10 days' notice:

(1) Require payment of contributions with respect to wages paid from the beginning date of the calendar quarter in which notice is given to the date designated in the notice.

(2) Require payment of contributions for reporting periods less than calendar quarters.

(b) As used in this section "reporting period" means that period less than a calendar quarter which is established by the director.

(c) Contributions required under subdivision (a)(1) of this section are due and payable on the date designated in the notice and shall become delinquent if not paid within 10 days of the due date.

(d) Contributions required under subdivision (a)(2) of this section are due and payable on the first day of the reporting period following the close of each reporting period and shall become delinquent if not paid within 10 days of the due date

(e) The employing unit shall file within the time required for payment of contributions under this section a return in such form and containing such information as the director prescribes.

(f) Notices under this section may be served either personally or by mail, addressed to the employing unit at the same address that appears on the records of the department. Service is complete at the time of deposit in the United States mail.

SEC. 17. Section 1131 of said code is amended to read:

Notice of assessment

1131. The director shall give to the employing unit against whom an assessment is made a written notice of the assessment.

SEC. 18. Section 1134 of said code is amended to read:

Hearing by referee

1134. (a) If a petition for reassessment is filed within the time prescribed, the referee shall review the assessment and if requested by the petitioner shall, unless a hearing has previously been afforded the petitioner on the same grounds as set forth in the petition, grant a hearing. The referee shall give at least 20 days' notice of the time and place of the hearing on the petition by delivering or mailing the notice to the petitioner and to the director. The time of notice may be shortened with the consent of the parties. The referee shall render a decision in the matter and may decrease or increase the amount of the assessment. The petitioner and the director shall be promptly notified of the referee's order or decision, together with his reasons therefor.

Appeal

(b) The petitioner or the director may, within 30 days after the mailing of the referee's order or decision, file an appeal to the Appeals Board. This appeal period may be extended where good cause is found to exist by the Appeals Board. If an appeal is not filed within the 30-day period or within the additional period granted by the Appeals Board, the order or

decision of the referee upon the petition becomes final in every case at the expiration of the period. If an appeal 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 except that in cases where an order or decision of the referee requires an adjustment of an assessment by granting a portion of a petition, the assessment becomes final 30 days after service upon the petitioner by the director of a statement of amounts due setting forth the adjusted liability pursuant to the order or decision of the referee.

(c) In the event of an appeal to the Appeals Board, it may decrease or increase the amount of the assessment. The order or decision of the Appeals Board in every case becomes final 30 days after service upon the petitioner of notice of the order or decision. The assessment becomes final 30 days after service upon the petitioner of notice of the order or decision except that in cases where an order or decision of the Appeals Board requires an adjustment of an assessment by granting a portion of a petition, the assessment becomes final 30 days after service upon the petitioner by the director of a statement of amounts due setting forth the adjusted liability pursuant to the order or decision of the Appeals Board.

Notices

(d) Notices under this section served by mail shall be 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.

SEC. 19. Section 1136 of said code is amended to read:

Cancellation of erroneous assessments

1136. If the director finds that an assessment or portion thereof has been erroneously made, he may cancel the assessment or portion thereof in the following cases:

(a) Where no petition for reassessment has been filed.

(b) Where a petition for reassessment is filed, if the cancellation is made prior to the mailing of a decision of the referee.

(c) Where a petition for reassessment has been filed and an order or decision of a referee or of the Appeals Board has been issued on any grounds not on the merits, if the cancellation is approved by the Appeals Board.

SEC. 20. Section 1137 of said code is amended to read:

Jeopardy assessment

1137. If the director finds that the collection of any contributions will be jeopardized by delay he shall thereupon make an assessment of such contributions, noting upon the assessment that it is a jeopardy assessment levied under this section. The director may in levying the assessment demand a deposit of such security as he deems necessary to insure compliance with this division. 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 is final unless a petition for reassessment is filed with

When due and payable

a referee within that time. If a petition for reassessment is filed within the time prescribed, Section 1134 shall apply to the review and hearing before the referee and the Appeals Board. The penalties and interest provided in Sections 1126, 1127, 1128, 1129 and 1135 in respect to assessments shall attach to the amount of the contributions specified in the jeopardy assessment. Penalties

SEC. 21. Section 1138 of said code is amended to read:

1138. The employer against whom a jeopardy assessment is levied may within 15 days after the service of the notice of the assessment, file a petition to a referee for the reassessment thereof. The petition for reassessment shall not be valid unless the employer deposits with the director, within 15 days after the service upon the employer of notice of the assessment accompanied by demand for deposit, such security as the director deems necessary to insure compliance with this division. Petition for reassessment Deposit of security

SEC. 22. Section 1139 of said code is amended to read:

1139. Security deposited pursuant to Section 1138 may be sold by the director at public sale if it becomes necessary to do so to recover any contributions, interest or penalty due. The director shall give notice of the sale to the person who deposited the securities. Upon any such sale, the surplus, if any, above the amounts due under this division shall be returned to the person who deposited the security. Sale of security

SEC. 23. Section 1140 of said code is amended to read:

1140. The service of the notices provided for in Sections 1131, 1137, 1138 and 1139 may be made personally or by mail, except that service by mail under Sections 1137, 1138, 1139 and of the notice of any assessment in excess of three hundred dollars ($300) shall be made by registered mail. All service by mail shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the employing unit or person at its or his address as it appears in the records of the department. Such service is complete at the time of deposit in the United States mail. Service of notices

SEC. 24. Section 1180 of said code is amended to read:

1180. (a) The director shall give notice to the claimant whenever he denies any claim for refund or credit in whole or in part, notice to be served in the manner prescribed for service of notice of assessments under Section 1140. Notice of denial of claim

Within 30 days of notice of denial, the claimant may file with a referee a petition for review. An additional 30 days for the filing of such petition may for good cause be granted by the Appeals Board. If the director fails within 60 days after a claim is filed to mail notice of his action on the claim, the claimant may consider the claim denied and file a petition with a referee as set forth in this article. If the petition is filed within the time prescribed a referee shall review the claim and, if requested by the claimant, shall grant a hearing. A hearing is not required on such petition if a prior hearing has been afforded the claimant involving the same issues, but Petition for review Hearing

regardless of any prior proceedings, if the claimant files an affidavit setting forth new and additional evidence in support of his claim, a referee may grant an additional hearing under this section. The referee shall give at least 20 days' notice of the time and place of the hearing on the petition by delivering or mailing the notice to the claimant and to the director. The time of notice may be shortened with the consent of the parties. The referee shall render a decision in the matter. The claimant and the director shall be promptly notified of the referee's decision, together with his reasons therefor.

Appeal

(b) The referee's decision shall be final unless, within 30 days after the mailing of the decision, the claimant or the director files an appeal to the Appeals Board. This appeal period may be extended where good cause is found to exist by the Appeals Board. If the referee fails within 60 days after a petition is filed to mail notice of the decision on the petition, the claimant may consider the petition denied and file an appeal with the Appeals Board.

SEC. 25. Section 1182 of said code is amended to read:

Action to recover contributions paid

1182. 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 article. Within 90 days after the mailing of the notice of the decision of the Appeals Board upon an appeal, 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 denied. 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 Appeals Board fails within 90 days after an appeal is filed to mail notice of its decision on the appeal, the claimant may consider the claim denied and may bring an action against the director as provided herein.

SEC. 26. Section 1184 of said code is amended to read:

Recovery of erroneous refunds

1184. 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 made, together with any interest paid thereon, but 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 percent 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 1140.

Such notice must be given within three years from the date the refund was made unless the employing unit waives this limitation period or consents to its extension. Sections 1133, 1134, 1135 and 1136 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. 27. Section 1276 of said code is amended to read:

"Benefit year"

1276. "Benefit year," with respect to any individual, means the 52-week 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 52-week period beginning with the week in which such individual again files a valid claim after the termination of his last preceding benefit year. As used in this section, "valid claim" means any claim for benefits made in accordance with the provisions of this division and authorized regulations if the individual filing the claim is unemployed and has been paid not less than the minimum amount of wages in employment for employers necessary to qualify for benefits.

SEC. 28. Section 1309 of said code is amended and renumbered and added to Article 1, Chapter 5, Part 1, Division 1 of said code, to read:

Employees leaving to be married, etc

1264. Notwithstanding any other provision of this division, an employee who leaves his or her employment to be married or to accompany his or her spouse to or join her or him at a place from which it is impractical to commute to such employment or whose marital or domestic duties cause him or her to resign from his or her employment shall not be eligible for unemployment insurance benefits for the duration of the ensuing period of unemployment and until he or she has secured bona fide employment subsequent to the date of such voluntary leaving; provided that, notwithstanding any other provision of this division, this section shall apply only to claims for unemployment compensation benefits and shall not apply to claims for unemployment compensation disability benefits. The provisions of this section shall not be applicable if the individual at the time of such voluntary leaving was and at the time of filing a claim for benefits is the sole or major support of his or her family.

SEC. 29 Section 1401 of said code is amended to read:

Benefit rights of "trainees"

1401. Notwithstanding any inconsistent provisions of this part the benefit rights of trainees shall be determined in accordance with the provisions of this article for the periods and with respect to the matters specified in this article. Except as otherwise provided in this article all other provisions of this part shall continue to be applicable in connection with such benefits.

SEC. 30. Section 1403 of said code is amended to read:

"Trainee" defined

1403. "Trainee" as used in this article means an individual who entered military service after April 1, 1940, and who continued such service for not less than 90 consecutive days and whose military service was terminated on or before the ninetieth day after the final adjournment of the 1957 Regular Session of the Legislature.

SEC. 31. Section 1404 of said code is amended to read:

Re-established benefit balances

1404. When any trainee has an unexpired benefit year at the time of induction into the armed forces, the unexpended balance of benefits remaining to his account shall be re-established beginning with the first day of the first week succeeding the date of his termination of service. In the event the records relating to the unexpended balance have been destroyed under proper approval, the trainee may establish the unexpended balance by affidavit as provided by authorized regulation. Any benefits paid pursuant to an affidavit under this section shall not be charged to any base period employer's account. Whenever this balance is exhausted the trainee may file a claim and his base period shall be determined in accordance with Section 1406. All re-established balances shall lapse 65 weeks after termination of military service.

SEC. 32. Section 1406 of said code is amended to read:

Base period, use of "frozen" wage credits

1406. With respect to the determination of the benefit rights of any trainee, the base period shall exclude those quarters during which the trainee was in military service 60 days or more. For all quarters so excluded there shall be substituted an equal number of quarters immediately preceding his entry into military service. In the event the base period so determined includes wages in calendar quarters for which the records have been destroyed under proper approval, the claimant may establish the amount of the wages by affidavit in accordance with authorized regulation. Any benefits paid pursuant to an affidavit under this section shall not be charged to any base period employer's account. The quarter of entry into military service shall be counted as a completed quarter if the director finds that the inclusion thereof would be more equitable to the trainee.

SEC. 33. The heading of Article 5 of Chapter 5 of Part 1 of said code is amended to read:

Article 5. Rights of Trainees

SEC. 34. Section 1527 of said code is amended to read:

Unemployment Trust Fund Account

1527. Immediately after clearance, all money in the clearing account except interest on contributions, and penalties collected shall be deposited in or invested in the obligations of the Unemployment Trust Fund of the United States of America or its authorized agent to the credit of this State, any provisions of law in this State relating to the deposit, administration, release, or disbursement of money in the possession or custody of this State to the contrary notwithstanding.

The amounts so deposited or invested shall be entered in the Unemployment Trust Fund Account.

SEC. 35. Section 1535 of said code is amended to read:

Contingent appropriation for administration

1535. During such time as the Federal Social Security Act and Federal Unemployment Tax Act are amended so as to remove the requirement that all money withdrawn from the Unemployment Fund be used solely in the payment of unemployment compensation, exclusive of expenses of administration, and for refunds of sums erroneously paid into such fund and refunds paid in accordance with the provisions of Section 3305(b) of the Federal Unemployment Tax Act, then notwithstanding any other provisions of this division to the contrary there is hereby continuously appropriated out of the Unemployment Fund for the purpose of administering this division, including salaries and other expenses of the Department of Employment and the acquisition of necessary real property, all amounts collected under Section 993.

SEC. 36. Section 1558 of said code is amended to read:

Cost of administration

1558. All money in the Unemployment Administration Fund shall be expended solely for the purpose of defraying the cost of the administration of this division, including, but not limited to, payments authorized under Sections 1786 and 1788, and for no other purpose whatsoever, and all money received from the Federal Government for the fund pursuant to Section 302 of the Social Security Act shall be expended solely for the purposes and in the amounts found necessary by the Social Security Administration for the proper and efficient administration of this division.

SEC. 37. Section 1559 of said code is amended to read:

Revolving fund

1559. All money in the Unemployment Administration Fund shall be deposited, administered, and disbursed, in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury, but the director may draw, without at the time furnishing vouchers and itemized statements, sums not to exceed in the aggregate one million dollars ($1,000,000) to be used as a revolving fund where payment of compensation earned, traveling expense advances, payments under Sections 1786 and 1788, or other cash payments are necessary. At the close of each fiscal year or at any other time, upon the demand of the Department of Finance, the money so drawn shall be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

SEC. 38. Section 1755 of said code is amended to read:

Withhold notices

1755. If any person or employing unit is delinquent in the payment of any contributions, penalties or interest provided for in this division, 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 Article 5 of this chapter or of a certificate under Section 1703, give notice

of the amount of the delinquency served either personally or by registered mail, to all persons having in their possession or under their control any credits or other personal property belonging to the delinquent person or employing unit, or owing any debts to such person or employing unit at the time of the receipt of the notice. No person so notified shall transfer or make any disposition of such credits or other personal property or debts without retaining an amount sufficient to pay the amount specified in said notice unless the director consents to a transfer or disposition, or unless 45 days have elapsed from the receipt of the notice. All persons so notified must, within five days after receipt of the notice, advise the director of any and all such credits, other personal property or debts, in their possession, under their control, or owed by them. If such notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice to be effective shall be delivered or mailed to the branch or office of such bank at which such deposit is carried or at which such credits or personal property is held.

SEC. 39. Section 1788 is added to said code, to read:

Deposit of debt and interest with officer

1788. If a seller or mortgagee files a claim with the officer levying on personal property by virtue of a writ of execution or a warrant issued under Section 1785 and the officer makes demand upon the director for the amount of the claimed debt and interest due pursuant to Section 689b of the Code of Civil Procedure, the director may, in his discretion, deposit with such officer the amount of such debt and interest.

SEC. 40. Section 1817 of said code is amended to read:

Hearing

1817. (a) Prior to the filing of a certificate under this article, the delinquent employer shall be given an opportunity for a hearing before a referee. A hearing shall not be required if the delinquent employer has previously been afforded a full hearing before a referee or the Appeals Board. If the delinquent employer files an affidavit with a referee setting forth new and additional evidence to establish that the contributions, interest and penalties sought to be collected are erroneous, the referee may grant an additional hearing. The referee shall give at least 20 days' notice of the time and place of the hearing by registered mail addressed to the last known address of the delinquent employer and by delivering or mailing the notice to the director. In the event the delinquent employer or his representative does not appear at the hearing or if an appearance is made but the delinquent employer does not establish to the satisfaction of the referee that the amount of contributions, interest and penalties claimed to be due is erroneous, the director may, after the referee's decision becomes final, file the certificate provided for in this article. The referee shall render a decision in the matter. The delinquent

employer and the director shall be promptly notified of the referee's decision, together with his reasons therefor.

(b) The referee's decision shall be final unless, within 30 days after the mailing of the decision, the delinquent employer or the director files an appeal to the Appeals Board. This appeal period may be extended where good cause is found to exist by the Appeals Board. If the decision of the Appeals Board on an appeal finds that the delinquent employer has not established that the contributions, interest and penalties sought to be collected are erroneous, the director may file the certificate provided for in this article. Appeal

SEC. 41. Section 2110 of said code is amended to read:

2110. Any employing unit, including any individual member of a partnership employing unit, any officer of a corporate or association employing unit, and the general manager, or any other person having charge of the affairs of a corporate or association employing unit, which knowingly withholds the deductions required by this division from remuneration paid to its workers, and wilfully fails or is financially unable to pay such deductions to the department before the date on which they become delinquent is guilty of a misdemeanor. Withholding worker deductions

SEC. 42. Section 2602 of said code is amended to read:

2602. (a) Except as otherwise provided, the provisions and definitions of Part 1 of this division apply to this part. In case of any conflict between the provisions of Part 1 and the provisions of this part, the provisions of this part shall prevail with respect to unemployment compensation disability benefits, and the provisions of Part 1 prevail with respect to unemployment compensation benefits. Applicable laws

(b) The provisions of Article 5 of Chapter 5 of Part 1, and the provisions of Chapter 6 of Part 1 of this division do not apply to this part.

(c) Sections 312, 318, 319, 1251, 1253, 1254, 1255, 1279, 1326 to 1333, inclusive, 1339, and 1340 do not apply to this part.

SEC. 43. Article 6 is added to Chapter 2 of Part 2 of said code, to read:

Article 6. Rights of Trainees

2765. Notwithstanding any inconsistent provisions of this part the benefit rights of trainees shall be determined in accordance with the provisions of this article for the periods and with respect to the matters specified in this article. Except as otherwise provided in this article all other provisions of this part shall continue to be applicable in connection with such benefits. Benefit rights of trainees

2766. "Military service" as used in this article means active service in the land or naval forces of the United States, but the service of an individual in any reserve component of the land or naval forces of the United States who is ordered "Military service"

to active duty in any such force for a period of 30 days or less shall not be deemed active service in that force during that period.

"Trainee" 2767. "Trainee" as used in this article means an individual who entered military service after April 1, 1940, and who continued such service for not less than 90 consecutive days and whose military service was terminated on or before the ninetieth day after the final adjournment of the 1957 Regular Session of the Legislature.

Re-establishment of benefits on termination of service 2768. When any trainee has an unexpired benefit year for disability benefits at the time of induction into the armed forces, the unexpended balance of disability benefits remaining to his account shall be re-established beginning with the first day of the first week succeeding the date of his termination of service. The balance shall be paid at a weekly rate in accordance with Section 2655. In the event the records relating to the unexpended balance have been destroyed under proper approval, the trainee may establish the unexpended balance by affidavit as provided by authorized regulation. Whenever this balance is exhausted the trainee may file a claim and his disability base period shall be determined in accordance with Sections 2770 and 2610 or Section 2611. All re-established balances shall lapse 65 weeks after termination of military service

Disability benefit period 2769. The filing of a valid claim for disability benefits by a trainee shall establish a disability benefit period.

Disability base period 2770. Except when Section 2611 is applicable, in determining the benefit rights of trainees the disability base period shall exclude those quarters during which the trainee was in military service 60 days or more. For all quarters so excluded there shall be substituted an equal number of quarters immediately preceding his entry into military service. In the event the base period so determined includes wages in calendar quarters for which the records have been destroyed under proper approval, the claimant may establish the amount of the wages by affidavit in accordance with authorized regulation. The quarter of entry into military service shall be counted as a completed quarter if the director finds that the inclusion thereof would be more equitable to the trainee.

Disqualification not applied 2771. No disqualification shall be applied to any trainee after the termination of his military service, by reason of any act or course of action on his part prior to the date of his entry into such service.

Applicable laws SEC. 44. The provisions of Article 6 of Chapter 2 of Part 2 added by Section 43 of this act shall apply to valid claims filed on and after the ninetieth day after the final adjournment of the 1955 Regular Session of the Legislature. Sections 1401 to 1408, inclusive, of the code shall continue to be applicable to valid claims filed prior to the ninetieth day after the final adjournment of the 1955 Regular Session of the Legislature.

Repeal SEC. 45. Sections 636 and 676 of said code are hereby repealed.

SEC. 46. The repeals and amendments effected by Sections 3 and 45 of this act shall not be construed to deprive any person or public agency of any substantial right which would have existed or hereafter exists under the law heretofore in effect had such repeals and amendments not been effected. The repeals and amendments effected by Sections 3 and 45 of this act shall not be construed to relieve any employing unit which qualified as an employer under the law heretofore in effect from its liability for contributions, interest and penalties arising under the prior law and such liability is hereby expressly preserved. Construction

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CHAPTER 1166

An act to amend Sections 302, 303, 308, 981, 1059, 2111 and 2604 of, and to renumber and amend Sections 352, 353 and 354 of, to add Section 355 to, and to repeal Sections 132, 304, 351 and 2058 of, and to repeal the heading of Article 2 of Chapter 2 of Part 1 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor June 21, 1955. Filed with Secretary of State June 21, 1955.] In effect September 7, 1955

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

SECTION 1. Section 302 of the Unemployment Insurance Code is amended to read:

302. The director shall be appointed by the Governor, subject to the approval of the Senate, and shall serve as director at the pleasure of the Governor. The annual salary of the director shall be as provided for by Chapter 6 of Part 1, Division 3, Title 2 of the Government Code. Director of Employment

SEC. 2. Section 303 of said code is amended to read:

303. The deputy director shall be appointed by the Governor subject to the approval of the Senate. The annual salary of the deputy director shall be as provided for by Chapter 6 of Part 1, Division 3, Title 2 of the Government Code. The deputy director shall select a person to fill the confidential position to which he is entitled under Article XXIV, Section 4, subsection (5), of the Constitution of this State. Deputy director

SEC. 3. Section 352 of said code is renumbered and amended and added to Article 1 of Chapter 2 of Part 1 of said code, to read:

325. (a) The department may study and make recommendations as to action which might tend to: Powers of department

(1) Promote the prevention of unemployment and the stabilization of employment.

(2) Encourage and assist in the adoption of practical methods of vocational training, retraining and guidance.

(3) Promote the establishment and operation by governmental units and agencies of reserves for public work to be prosecuted in time of business depression and unemployment.

(4) Promote the re-employment of unemployed workers throughout the State in any way that may seem feasible.

(5) Reduce and prevent unemployment.

(6) Establish the most effective methods of providing economic security through all forms of social insurance.

(b) To accomplish the ends set forth in subdivision (a) of this section, the department may carry on and publish the results of investigations and research studies.

SEC. 4. Section 353 of said code is renumbered and amended and added to Article 1 of Chapter 2 of Part 1 of said code, to read:

Investigations, reports, etc

326. The department shall investigate and report upon the degree of unemployment hazard in various industries and occupations and their cost to the Unemployment Fund. It shall recommend to employers in industries or occupations showing an excessive cost to that fund, means for stabilizing employment. It shall also, if necessary, recommend to the Legislature a higher rate of contribution for any classification of industries or occupations in which unemployment is excessive or chronic.

SEC. 5. Section 354 of said code is renumbered and amended and added to Article 1 of Chapter 2 of Part 1 of said code, to read:

Reduction, cessation of payments

327. Whenever the director determines that, in view of existing or probable future conditions, the condition of the Unemployment Fund is such that, within six months it will be unable to pay probable unemployment compensation benefit liabilities in full, he may, by regulation, reduce or cease payment of such liabilities. The reduction or cessation shall continue until changed by regulation adopted by the director resuming full payment or otherwise changing the payment.

SEC. 6. Section 981 of said code is amended to read:

Power to suspend reduced rates

981. Whenever it appears that the funds in the Unemployment Fund are less than one and one-half times the amount of unemployment compensation benefits paid during the preceding calendar year, the director, by appropriate notice, may invoke a contribution rate of 2.7 percent from all employers, in lieu and regardless of any reduced or lower rate elsewhere prescribed in this division. The rate established pursuant to this section shall be effective only until the expiration of the next quarter during which the fund again becomes equal to or in excess of one and one-half times the amount of unemployment compensation benefits paid during the then preceding calendar year.

SEC. 7. Section 1059 of said code is amended to read:

Effect of joint venture provisions

1059. The provisions of Sections 1057 and 1058 shall apply to dissolutions occurring prior as well as subsequent to the effective date of Section 41.5 of the Unemployment Insurance Act as amended in the 1953 Regular Session of the Legislature; provided, that notice of any such prior dissolution shall have been given to the director within 120 days after the effective date of Section 41.5 of the Unemployment Insurance Act as

amended in the 1953 Regular Session of the Legislature, but any transfer in respect to any such prior dissolution shall not affect any rate of contribution for any period prior to January 1, 1954.

SEC. 8. Section 2604 of said code is amended to read:

Emergency action to protect solvency

2604. Whenever the director believes that a change in contributions rate or disability benefit amounts may become necessary to protect the solvency of the Disability Fund, he shall at once inform the Governor and the Legislature thereof and make recommendations accordingly. In such case the Governor may declare an emergency and authorize the director to announce a modified scale of benefits or increased waiting period, or other changes in regulations regarding the eligibility for payment of benefits which the director may deem necessary to assure the solvency of the Disability Fund; such modified regulations to be in effect until the Governor declares the emergency at an end or until further action is taken by the Legislature.

Repeal

SEC. 9. Sections 132, 304, 351 and 2058 of said code are hereby repealed.

Repeal

SEC. 10. The heading "Article 2. California Employment Stabilization Commission" of Chapter 2 of Part 1 of said code is hereby repealed.

SEC. 11. Section 308 of said code is amended to read:

Public hearing on regulations

308. Prior to the filing of a regulation or notice of repeal of a regulation with the Secretary of State the director shall deliver a copy of the proposed regulation to the State Advisory Council for their study and shall hold a public hearing, of which proper notice has been given, at which any persons interested shall have an opportunity to be heard.

SEC. 12. Section 355 is added to said code, to read:

State Advisory Council

355. The Governor shall appoint a State Advisory Council composed of seven members to act only in an advisory capacity for the purpose of discussing problems relating to the administration of this division and of making recommendations in regard thereto to the director but no action taken by the Advisory Council shall limit or control the discretion vested by law in the director. Each member appointed to the Advisory Council shall have a thorough knowledge of the Unemployment Insurance Code of this State and have had substantial experience other than as a state or federal employee in connection with its operation. Three members shall represent employers, three shall represent labor and one shall represent the public. The council may select and nominate an executive secretary and the director shall appoint the person so nominated who shall be exempt from civil service, removable by the council and shall receive compensation as determined by the council. Such compensation shall be deemed part of the expenses incurred in the administration of the Unemployment Insurance Code. Members of the council shall not receive any compensation but shall be reimbursed for any necessary expenses incurred by reason of the attendance at meetings of the council.

The council shall on January 31st and July 31st of each year and on such other occasions as it deems proper file a written report to the Governor embodying the activities of the council and its recommendations to the director, a copy of which reports shall be filed in the Office of the Secretary of State for purposes of public examination. Any appointment by the director of a person to the position of executive secretary provided by this section shall not be an exempt appointment to which the director is entitled under subdivision (a)(5) of Section 4, Article XXIV of the State Constitution.

SEC. 13. Section 2111 of said code is amended to read:

Disclosure of confidential information

2111. Except as otherwise provided in Section 1094 information obtained in the course of administration of this division is confidential and shall not be published or open to public inspection in any manner. Any director, deputy director, member of the Appeals Board, member of State Advisory Council or employee of the department who violates this section is guilty of a misdemeanor.

CHAPTER 1167

An act to amend Section 2602 of the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 7, 1955

[Approved by Governor June 21, 1955. Filed with Secretary of State June 21, 1955.]

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

SECTION 1. Section 2602 of the Unemployment Insurance Code is amended to read:

2602. (a) Except as otherwise provided, the provisions and definitions of Part 1 of this division apply to this part. In case of any conflict between the provisions of Part 1 and the provisions of this part, the provisions of this part shall prevail with respect to unemployment compensation disability benefits, and the provisions of Part 1 prevail with respect to unemployment compensation benefits.

(b) The provisions of Articles 4 and 5 of Chapter 5 of Part 1, and the provisions of Chapter 6 of Part 1 of this division do not apply to this part.

(c) Sections 312, 318, 319, 1251, 1253, 1254, 1255, 1279, 1326 to 1333, inclusive, 1339, and 1340 do not apply to this part.

SEC. 2. The provisions of Sections 1280 and 1281 of the Unemployment Insurance Code as amended at the 1955 Regular Session of the Legislature shall be applicable to new claims for unemployment compensation benefits filed on and after the ninetieth day after the final adjournment of the 1955 Regular Session of the Legislature. The provisions of said Sections 1280 and 1281 as they existed prior to the effective date of the amendments enacted at the 1955 Regular Session of the Leg-

islature shall remain applicable to new claims filed prior to the ninetieth day after the final adjournment of the 1955 Regular Session of the Legislature.

SEC. 3. For the purposes of Section 302 of the Unemployment Insurance Code and as used in Chapter 6 of Part 1, Division 3, Title 2 of the Government Code, "Chief of the Division of Public Employment Offices and Benefit Payments" means the Director of Employment. For the purposes of Section 303 of the Unemployment Insurance Code and as used in Chapter 6 of Part 1, Division 3, Title 2 of the Government Code, "Chief of the Division of Accounts and Tax Collections" means the Deputy Director of the Department of Employment.

CHAPTER 1168

An act to amend Sections 12000, 12001 and 15003 of, to repeal Sections 11551, 11552, 11553, 11554, 11555, 11556, 11557, 11558, 11559, and 11560, and to add Sections 11551, 11552, 11553, 11554, 11555, 11555.5, 11556, 11557, 11558, 11559, 11560, 11561, 11562 and 11563 to the Government Code; and to amend Section 1156 of the Harbors and Navigation Code, Section 8005 of the Business and Professions Code, Section 13050 of the Water Code, Section 1518.2 of the Military and Veterans Code and Section 21205 of the Public Utilities Code, relating to the salaries of state officers.

[Approved by Governor June 17, 1955. Filed with Secretary of State June 21, 1955.]

In effect September 7, 1955

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

SECTION 1. Sections 11551, 11552, 11553, 11554, 11555, 11556, 11557, 11558, 11559, and 11560 of the Government Code are repealed. Repeal

SEC. 1.5 Section 11551 is added to the Government Code, to read:

11551. An annual salary of eighteen thousand dollars ($18,000) shall be paid to each of the following: Salaries of state officers

(a) Director of Public Works.
(b) Director of Mental Hygiene.
(c) Superintendent of Public Instruction.
(d) State Controller.

SEC. 2. Section 11552 is added to said code, to read:

11552. An annual salary of seventeen thousand five hundred dollars ($17,500) shall be paid to each of the following:

(a) Lieutenant Governor.
(b) Secretary of State.
(c) State Treasurer.
(d) Director of Public Health.

SEC. 3. Section 11553 is added to said code, to read:

11553. An annual salary of seventeen thousand dollars ($17,000) shall be paid to each of the following:

(a) Director of Corrections.
(b) Each member of the Public Utilities Commission.
(c) Director of Employment.

SEC. 4. Section 11554 is added to said code, to read:

Same

11554. An annual salary of sixteen thousand dollars ($16,000) shall be paid to each of the following:

(a) Director of Motor Vehicles.

SEC. 5. Section 11555 is added to said code, to read:

11555. An annual salary of fifteen thousand five hundred dollars ($15,500) shall be paid to each of the following:

(a) Each member of the California Unemployment Insurance Appeals Board.
(b) Director of Agriculture.
(c) Insurance Commissioner.
(d) Executive Officer of the Franchise Tax Board.
(e) Deputy Director of Employment.

SEC. 5.5. Section 11555.5 is added to said code, to read:

11555.5. An annual salary of fifteen thousand dollars ($15,000) shall be paid to each of the following:

(a) Director of Alcoholic Beverage Control.
(b) Each member of the Adult Authority.
(c) Superintendent of Banks.
(d) Director of Industrial Relations.
(e) Commissioner of the California Highway Patrol.

SEC. 6. Section 11556 is added to said code, to read:

11556. An annual salary of fourteen thousand five hundred dollars ($14,500) shall be paid to each of the following:

(a) Director of Youth Authority.
(b) Director of Social Welfare.
(c) Director of Fish and Game.
(d) Director of Natural Resources.

SEC. 7. Section 11557 is added to said code, to read:

11557. An annual salary of fourteen thousand dollars ($14,000) shall be paid to each of the following:

(a) Each member of the State Board of Equalization.

SEC. 8. Section 11558 is added to said code, to read:

11558. An annual salary of thirteen thousand five hundred dollars ($13,500) shall be paid to each of the following:

(a) Commissioner of Corporations.
(b) Each member of the Industrial Accident Commission.
(c) Director of Professional and Vocational Standards.
(d) Real Estate Commissioner.
(e) Director of Veterans Affairs.
(f) Each member of the Youth Authority.
(g) Savings and Loan Commissioner.

SEC. 9. Section 11559 is added to said code, to read:

11559. An annual salary of twelve thousand five hundred dollars ($12,500) shall be paid to each of the following:

(a) State Fire Marshal.
(b) Labor Commissioner.

SEC. 10. Section 11560 is added to said code, to read: Same

11560. An annual salary of twelve thousand dollars ($12,000) shall be paid to each of the following:

(a) Each member of the Alcoholic Beverage Control Appeals Board.

SEC 11. Section 11561 is added to said code, to read:

11561. An annual salary of eleven thousand dollars ($11,000) shall be paid to each of the following:

(a) Chief of the Division of Industrial Safety.

(b) Chief of the Division of Industrial Welfare.

(c) Chief of the Division of Housing.

(d) State Librarian.

(e) Secretary of the California Horse Racing Board.

(f) Secretary of the State Athletic Commission.

(g) Registrar of Contractors.

(h) Deputy State Treasurer.

SEC. 12. Section 11562 is added to said code, to read:

11562. An annual salary of five thousand five hundred dollars ($5,500) shall be paid to each of the following:

(a) Each member of the State Personnel Board.

SEC 13. Section 11563 is added to said code, to read:

11563. An annual salary of five thousand four hundred dollars ($5,400) shall be paid to each of the following:

(a) Each member of the State Board of Barber Examiners.

SEC. 14. Section 12000 of said code is amended to read:

12000. The annual salary of the Governor is forty thousand dollars ($40,000). Governor

SEC. 15. Section 12001 of said code is amended to read:

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, except the salary of the Executive Secretary to the Governor shall not exceed fifteen thousand dollars ($15,000) annually, and the salaries of the other secretaries to the Governor shall not exceed thirteen thousand five hundred dollars ($13,500). Governor's secretaries, etc

SEC. 16. Section 15003 of said code is amended to read:

15003. There is in the department the office of deputy director. The deputy director shall be appointed and his compensation shall be fixed by the Attorney General at not to exceed thirteen thousand five hundred dollars ($13,500) per year. The deputy director shall be a civil executive officer and shall be exempt from civil service. Deputy director of Department of Justice

SEC. 17. Section 1518.2 of the Military and Veterans 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 thirteen thousand five hundred dollars ($13,500) year. 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 Director of Civil Defense

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.

SEC. 18. Section 21205 of the Public Utilities Code is amended to read:

Director of Aeronautics

21205. A Director of Aeronautics shall be appointed by the commission. He shall hold the confidential position for the commission, exempt from civil service, and shall serve at the pleasure of the commission. He shall be appointed with due regard to his fitness, by aeronautical education and by knowledge of and recent practical experience in aeronautics, for the efficient dispatch of his powers and duties. He shall devote his entire time to the duties of his office and shall not be actively engaged or employed in any other business, vocation, or employment. He shall receive an annual salary of not more than thirteen thousand five hundred dollars ($13,500) to be fixed by the commission, and shall be reimbursed for all traveling and other expenses, incurred by him in the discharge of his official duties.

SEC. 19. Section 1156 of the Harbors and Navigation Code is amended to read:

Board of Pilot Commissioners for San Francisco, etc., Bays Secretary, treasurer, etc

1156. The board may appoint and fix the compensation of a secretary, a treasurer, and such other employees as may be necessary. The secretary shall receive such compensation as may be fixed by the board not to exceed three hundred eighty-five dollars ($385) a month.

SEC. 20. Section 8005 of the Business and Professions Code is amended to read:

Certified Shorthand Reporters Board Committees, etc

8005 The board is charged with the executive functions necessary for effectuating the purposes of this chapter. 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 two hundred dollars ($2,200) 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.

SEC. 21. Section 13050 of the Water Code is amended to read:

Regional water pollution control boards

13050. Each regional board shall:

(a) Establish an office.

(b) Select one of its members as chairman at the first regular meeting held each year.

(c) Appoint an executive officer and fix his salary at a sum not to exceed eight hundred eighty dollars ($880) per month.

(d) Employ such other assistants as may be determined necessary to assist the executive officer.

CHAPTER 1169

An act to amend Section 423 of the Education Code and Section 28123 of the Government Code, relating to the county superintendent of schools and other public officers of a county of the twenty-third class.

[Approved by Governor June 21, 1955. Filed with Secretary of State June 21, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 423 of the Education Code is amended to read:

Merced County officers Salaries

423. The annual salary of the county superintendent of schools of a county of the twenty-third class is seven thousand five hundred dollars ($7,500), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

SEC. 2. 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:

(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, seven thousand five hundred dollars ($7,500) 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, four thousand two hundred dollars ($4,200) a year for all services performed by him as supervisor and as member of the board of equalization. No mileage allowance is necessary as the county furnishes automobiles for the use of supervisors.

(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.

CHAPTER 1170

An act to amend Sections 16251 and 16255 of the Education Code, relating to the powers of governing board of a school district.

In effect September 7, 1955

[Approved by Governor June 21, 1955. Filed with Secretary of State June 21, 1955.]

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

SECTION 1. Section 16251 of the Education Code is amended to read:

16251. The governing board of any school district may provide, with the written approval of the county superintendent of schools, for the transportation of pupils to and from school whenever in the judgment of the board such transportation is advisable and good reasons exist therefor. The governing board may purchase or rent and provide for the upkeep, care, and operation of vehicles, or may contract and pay for the transportation of pupils to and from school by common carrier, or may contract with and pay responsible private parties for the transportation. Such contracts may be made with the parent or guardian of the pupil being transported.

SEC. 2. Section 16255 of said code is amended to read:

16255. In lieu of providing in whole or in part for the transportation of a pupil attending the schools of a district, the governing board may pay to the parents or guardian of the pupil a sum not to exceed the cost of actual and necessary travel incurred in transporting such pupils to and from the regular day schools of the district. No payments shall be made pursuant to this section unless it will be more economical to make the payments than to provide for said transportation.

CHAPTER 1171

An act to add Sections 5.1, 5.2, 5.3, 5.4, 5.5, and 6.2 to the Contra Costa County Flood Control and Water Conservation District Act, relating to the Contra Costa County Flood Control and Water Conservation District.

In effect September 7, 1955

[Approved by Governor June 21, 1955. Filed with Secretary of State June 21, 1955.]

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

SECTION 1. Section 5.1 is added to the Contra Costa County Flood Control and Water Conservation District Act, to read:

Definitions

Sec. 5.1. The Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of

1915 are applicable to the district, and as applied to the district the following terms used in said acts shall mean:

(a) "City council" and "council" mean the commissioners of the district or the Board of Supervisors of Contra Costa County.

(b) "City" and "municipality" mean the district.

(c) "Clerk" and "city clerk" mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" mean the engineer of the district, or any person appointed to perform such duties.

(e) "Tax collector" means county tax collector.

(f) "Treasurer" and "city treasurer" mean county treasurer.

(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 and maintaining any facility of the district.

SEC. 2. Section 5.2 is added to said act, to read:

Rights, etc., of city officers and agents

Sec. 5.2. The rights, powers, duties, responsibilities, and jurisdiction conferred upon officers and agents of cities by the acts specified in Section 5.1 shall be exercised or assumed, as the case may be, by the respective boards, officers and agents of the district.

SEC. 3. Section 5.3 is added to said act, to read:

Improvements

Sec. 5.3. The improvements authorized to be constructed by Sections 5.1, 5.2, 5.4, and 5.5 are restricted to those permitted to be constructed or acquired pursuant to Section 5.

SEC. 4. Section 5.4 is added to said act, to read:

Assessment or bond liens

Sec. 5.4. No assessment or bond hereafter levied or issued pursuant to any of the acts specified in Section 5.1 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 county recorder if the improvement district or any part thereof is unincorporated territory and the superintendent of streets of the city or cities of the improvement district or any part thereof is in incorporated territory.

SEC. 5. Section 5.5 is added to said act, to read:

Control, etc., of storm waters

Sec. 5.5. The commission may order the construction of all structures and appurtenances, channels, culverts, ditches and any work incident to the collection and control of storm waters in the whole or any portion of any of the streets, highways, or public places or in property or in rights of way owned by the district; provided, that said district shall first obtain the consent to said work from the legislative body or other agency having jurisdiction of the territory within which any of the proposed work is to be done

SEC. 6. Section 6.2 is added to said act, to read:

Zone advisory board

Sec. 6.2. Upon the formation of each zone pursuant to the provisions of this act, the board of supervisors shall appoint a zone advisory board composed of five resident electors of said zone. Said zone advisory board shall be consulted by the board

of supervisors or the commissioners of the district in all matters affecting such zone and no action relating to such matters shall be taken by either or both of said bodies until a report on the proposed action shall have been made by the zone advisory board. Said report by said zone advisory board shall be made within 30 days after delivery to each of its members of a statement of proposed zone action and request for a report thereon by said zone advisory board.

CHAPTER 1172

An act to amend Section 13104 of the Education Code, relating to the employment of temporary certificated employees.

In effect September 7, 1955

[Approved by Governor June 21, 1955. Filed with Secretary of State June 21, 1955.]

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

SECTION 1. Section 13104 of the Education Code is amended to read:

13104. Governing boards of school districts shall classify as temporary employees those persons requiring certification qualifications, other than substitute employees, who are employed to serve from day to day during the first three school months of any school term to teach temporary classes not to exist after the first three school months of any school term or to perform any other duties which do not last longer than the first three school months of any school term, or to teach in special day and evening classes for adults or in schools of migratory population for not more than four school months of any school term. If the classes or duties continue beyond the first three school months of any school term or four school months for special day and evening classes for adults, or schools for migratory population, the certificated employee, unless a permanent employee, shall be classified as a probationary employee. The school year may be divided into not more than two school terms for the purposes of this section.

In any district in which appointments are made from eligible lists established by examinations, the governing board may, to prevent the stoppage of school district business when an actual emergency arises and persons on eligible lists are not immediately available, make an appointment to a position on a temporary basis for a period not to exceed 20 working days. The person so appointed shall be deemed to be a temporary employee who is employed to serve from day to day. Service by a person in such an appointment on a temporary basis shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

CHAPTER 1173

An act to amend Section 1425 of the Penal Code, relating to criminal jurisdiction of justice courts.

[Approved by Governor June 21, 1955. Filed with Secretary of State June 21, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1425 of the Penal Code is amended to read:

1425. Justice courts shall have jurisdiction in all criminal cases amounting to misdemeanor only, punishable by fine not exceeding one thousand dollars ($1,000), or imprisonment not exceeding six months, or by both such fine and imprisonment, where the offense charged was committed within the county in which the court is established except those of which other courts are given exclusive jurisdiction; and shall have jurisdiction of cases amounting to misdemeanor under Section 270 of the Penal Code and under Section 502 of the Vehicle Code. Each justice court shall have exclusive jurisdiction in all cases involving the violation of ordinances of cities or towns situated within the district in which such court is established.

CHAPTER 1174

An act to amend Sections 6585 and 6604 of the Business and Professions Code, relating to barbers.

[Approved by Governor June 21, 1955. Filed with Secretary of State June 21, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 6585 of the Business and Professions Code is amended to read:

6585. The use of any room or place for barbering which is also used for residential or business purposes unless a substantial partition of ceiling height or of such less height as may be approved by the board separates the portion used for residential or business purpose, constitutes a cause for disciplinary action, except that nothing in this section shall prohibit the sale, in any room or place for barbering, of cutlery, cosmetics, and toilet articles that are used in the practice of barbering.

SEC. 2. Section 6604 of the Business and Professions Code is amended to read:

6604. The use of any room or place for barbering which is also used for residential or business purposes unless a substantial partition of ceiling height or of such less height as may be approved by the board separates the portion used for residential or business purpose, is unlawful, except that nothing in this section shall prohibit the sale, in any room or place for barbering, of cutlery, cosmetics, and toilet articles that are used in the practice of barbering.

CHAPTER 1175

An act to amend Section 13985 of the Revenue and Taxation Code, relating to establishment or payment of a deductible item after an order fixing tax.

In effect September 7, 1955

[Approved by Governor June 21, 1955. Filed with Secretary of State June 21, 1955.]

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

SECTION 1. Section 13985 of the Revenue and Taxation Code is amended to read:

13985. If an item which is allowable as a deduction in computing the tax under this part is established or paid after the order fixing tax is made, the order may on petition after notice to the Controller be modified equitably.

For the purpose of this part, there is no limitation governing the time within which such an item may be established or paid after the order fixing tax is made. However, any petition to have the order modified after the establishment or payment of the item shall be filed within one year after such establishment or payment whichever is later.

CHAPTER 1176

An act to amend Section 43068 of the Government Code, relating to municipal corporations.

In effect September 7, 1955

[Approved by Governor June 21, 1955. Filed with Secretary of State June 21, 1955.]

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

SECTION 1. Section 43068 of the Government Code is amended to read:

43068. Unless a majority of the city electors voting at an election held for that purpose are in favor of it, the annual property tax shall not exceed one dollar ($1) on each one hundred dollars ($100), exclusive of such tax as may be necessary to pay the costs of any pension plan for city employees adopted pursuant to Article 2, Chapter 2, of Division 5, exclusive of such tax, not to exceed five cents ($0.05) on each one hundred dollars ($100), as may be necessary to pay the costs of civil defense or disaster preparedness, exclusive of such tax as may be necessary to pay the costs of sewerage facilities, exclusive of such tax as may be necessary to pay the costs of park and recreation facilities and exclusive of such tax in addition to the annual tax levy for other municipal purposes authorized by Sections 20532, 37465, 37558, and 43069 of this code, Section 5304 of the Public Resources Code and Section 22241 of the Education Code.

CHAPTER 1177

An act to amend Sections 860 and 870 of, and to add Section 870.6 to, the Agricultural Code, relating to olives.

[Approved by Governor June 21, 1955. Filed with Secretary of State June 21, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 860 of the Agricultural Code is amended to read:

860. Canned olives are seconds: Canned olives Seconds

(a) If the fruit is not of firm texture.

(b) If the fruit is not reasonably free from woody, spotted, shriveled, misshapen or otherwise defective olives serious for the grade.

(c) If the fruit is not reasonably uniform in size for the variety conforming to the size as marked.

(d) If the fruit is not reasonably free from mixed varieties.

(e) If the fruit has any foreign disagreeable flavor.

The above specifications as to quality and uniformity of size of olives shall apply to olives packed in tin or glass containers of all sizes whether specifically designated in this chapter or not.

SEC. 2. Section 870 of said code is amended to read:

870. There shall be no false or misleading marking or designation on any container of canned fruit, vegetables or ripe olives. The label covering the walls of a container of olives, except when packed in clear glass, shall show a cut or imprint representing the approximate size of the fruit, followed by a statement of the approximate number of olives contained in the can, in addition to any other marking or wording on the label. Label, markings, etc

As to canned ripe olives packed after October 1, 1933, when the following size-names are used, the count per pound, as determined by the examination of a representative sample of the olives taken at random from the container, is hereby established as follows: Size-names and count

"Small," "Select," or "Standard(s)"—averaging 135 to the pound.

"Medium"—averaging 113 to the pound.

"Large"—averaging 98 to the pound.

"Extra Large" or "Picnic"—averaging 82 to the pound.

"Mammoth" or "Gem"—averaging 70 to the pound.

With a tolerance above or below of seven and one-half percent by count, except that "Small," "Select," or "Standard(s)" shall not count less than an average of 128 or more than an average of 140 to the pound.

"Giant"—averaging 53 to 60 to the pound, with no tolerance.

"Jumbo"—averaging 46 to 50 to the pound, with no tolerance.

"Colossal"—averaging 36 to 40 to the pound, with no tolerance.

"Super-Colossal"—not to exceed 32 to the pound, with no tolerance.

In determining such count, the sample shall be weighed so as to determine the weight thereof by pounds, ounces and fractions of an ounce.

SEC. 3. Section 870.6 is added to said code, to read:

Ripe olives. Packing

870.6. The following varieties of ripe olives below the specified sizes shall not be packed as whole or pitted canned ripe olives:

(a) Mission and Manzanillo varieties under standard size.

(b) Obliza variety under medium size.

(c) Ascolano, St. Agostino, and Barouni varieties under extra large size; but any of such varieties packed in the extra large size shall be designated and labeled "Picnic" size only, and no other varieties nor sizes of such varieties shall be so labeled or designated.

(d) Sevillano variety under mammoth size; but any of such variety packed in the mammoth size shall be designated and labeled "Gem" size only, and no other varieties nor sizes of such variety shall be so labeled or designated.

(e) All other varieties under mammoth size.

CHAPTER 1178

An act to amend Section 2555 of the Welfare and Institutions Code, relating to residence of indigent persons.

In effect September 7, 1955

[Approved by Governor June 21, 1955. Filed with Secretary of State June 21, 1955.]

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

SECTION 1. Section 2555 of the Welfare and Institutions Code is amended to read:

2555. A resident of the State of California is a person who comes within all the following descriptions:

(a) Who has lived continuously in the State for a period of three years with the intent to make it his home; but time spent in a public institution or on parole therefrom shall not be counted in determining the matter of residence in this or another state.

(b) Who has not lost his residence by remaining away from this State for an uninterrupted period of one year. Absence from the State for labor or other special or temporary purpose does not occasion loss of residence.

CHAPTER 1179

An act to add Chapter 4 to Division 1 of the Welfare and Institutions Code, relating to leaves of absence for employees of county welfare departments.

[Approved by Governor June 21, 1955. Filed with Secretary of State June 21, 1955.]

In effect September 7, 1955

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

SECTION 1. Chapter 4 is added to Division 1 of the Welfare and Institutions Code, to read:

CHAPTER 4. LEAVES OF ABSENCE

300. The board of supervisors of any county may grant to any permanent employee of the welfare department a leave of absence with pay to attend an institution of learning for the purpose of improving his skill, knowledge and technique in the administration of social welfare programs which will benefit the department.

In order to be eligible to an educational leave the employee must have a satisfactory service record with the county and must execute an agreement to return to the county welfare department to render a period of service which shall be at least double the period of time the employee is to be on leave. The employee shall furnish a suitable bond indemnifying the county against possible loss in the event the employee fails to return to the county and render the required period of service stipulated in the agreement. Such bond shall be exonerated in the event the failure of the employee to render the stipulated period of service is caused by death, physical or mental disability of the employee.

The terms and amount of pay or stipend to be paid shall be set by the board of supervisors. Any such pay or stipend shall be considered a proper charge against the administration of the public welfare programs.

CHAPTER 1180

An act to amend Sections 3632, 3634, 3862, 3863, and 3871 of the Education Code, relating to school districts.

[Approved by Governor June 21, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 3632 of the Education Code is amended to read:

Uniting of high school districts. Petition

3632. A petition, signed by two-thirds of the high school board or a majority of the registered voters in each of two or

more contiguous high school districts, asking that the high school districts be united to form a single union or joint union high school district under a name stated in the petition may be presented to the county superintendent of schools who would have jurisdiction of an original petition for the formation of a high school district out of the territory comprised in the high school district proposed to be formed. The county superintendent of schools shall, within 20 days after receiving the petition, call an election for the determination of the question.

SEC. 2. Section 3634 of said code is amended to read:

Conduct of election

3634. The election shall be called and held as in the case of the formation of a union high school district, except that the ballots shall contain the words "For the union of high school districts—Yes" and "For the union of high school districts—No."

SEC. 3. Section 3862 of said code is amended to read:

Transfer of elementary school districts Conduct of hearing

3862. The hearing shall be held at the high school building of the high school district to which the territory desiring exclusion at the time belongs. The hearing shall be conducted under such rules of procedure as may be prescribed by the board of review, which may require any or all evidence and information to be submitted under oath administered by a member of the board. The board shall receive evidence and information on the date set for the hearing and may continue the hearing from time to time within the next succeeding 30 days for the purpose of receiving further evidence or giving further consideration to the question. If the hearing is continued, the date to which the hearing is continued shall be publicly announced at the meeting set by the Superintendent of Public Instruction or, if the hearing is continued more than one time, the continuance shall be publicly announced at the meeting preceding the date to which the hearing is continued.

SEC. 4. Section 3863 of said code is amended to read:

Recommendation

3863. In arriving at its conclusion, the board of review shall take into consideration the present and future effect on the public welfare only. The board shall, not later than 30 days after the date set by the Superintendent of Public Instruction for the hearing, recommend in writing to the board of supervisors either that the petition of the elementary school district be granted or denied.

SEC. 5. Section 3871 of said code is amended to read:

Petition

3871. The governing boards of two high school districts contiguous to an elementary school district may present to the county superintendent of schools a petition signed by a majority of the members of the governing board of each of the high school districts and of the elementary school district asking that the boundaries of the high school districts be changed by the exclusion of the elementary school district

from one of the high school districts and its annexation to the other high school district. If all of the districts are not under the jurisdiction of the same county superintendent of schools, then the petition shall be presented in duplicate to the county superintendent of schools of each county in which any part of any of the districts is situated. The county superintendent, or each of the county superintendents, of schools shall verify the signatures of the governing boards of the district, or districts, under his jurisdiction.

Action upon petition

If the county superintendent of schools having jurisdiction of the elementary district finds that the signatures are sufficient, the petition shall be acted upon in the same manner as a petition for a change of boundaries of school districts presented to him under Article 5 of Chapter 7 of this division, and the board of supervisors of the county of which he is superintendent of schools shall act thereon. The transfer, however, shall not be made by the board of supervisors until the proposed transfer first has been submitted to the voters of the elementary district and approved by them by a majority vote.

Election

Such election shall be held in the same manner as are high school district bond elections, except that the election shall be called by, and the returns shall be made to, the county superintendent of schools having jurisdiction of the elementary district.

CHAPTER 1181

An act to amend Sections 70046 and 70055 of the Government Code, relating to court reporters.

[Approved by Governor June 21, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 70046 of the Government Code is amended to read:

San Bernardino County court reporters' salaries

70046. In a county with a population of 280,000 or more and under 285,000, each regular official reporter shall be paid an annual salary of seven thousand two hundred dollars ($7,200), and each pro tempore official reporter shall be paid twenty-five dollars ($25) a day for the days he actually is on duty under order of the court.

SEC. 2. Section 70055 of said code is amended to read:

Fee

70055. In a county with a population of 280,000 or over and under 285,000, the fee required by Section 70053 shall be five dollars ($5).

CHAPTER 1182

An act to amend Sections 31701, 31702, and 31703 of, to repeal Sections 31704, 31705 and 31708 of, and to add Section 31707.5 to, the Water Code, relating to county water districts.

In effect September 7, 1955

[Approved by Governor June 21, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 31701 of the Water Code is amended to read:

Tax procedure where revenues inadequate

31701. If a district has no revenue or if the revenues of the district are, or in the judgment of the board of directors are likely to be, inadequate to pay the interest on or principal of any bonded debt as it becomes due, or any other expenses or claims against the district, the board of directors shall, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is situated is required by law to levy the amount of taxes required for county purposes, furnish to the board of supervisors and to the auditor, respectively, in writing:

(a) An estimate of the minimum amount of money required for the payment of the principal of or interest on any bonded debt of the district or of an improvement district therein as it becomes due.

(b) A description of the improvement district benefited by the purposes of the bonded debt as stated in the resolution declaring the necessity to incur the bonded indebtedness, or, if the whole district was benefited by incurring it, a statement of that fact.

(c) An estimate of the minimum amount of money required to meet all the charges, claims, expenditures and expenses, other than a bonded debt, of each improvement district created pursuant to this division, together with a description of each such improvement district as determined by resolution of the board.

(d) An estimate of the minimum amount of money required by the district for other expenses and claims against it.

SEC. 2. Section 31702 of said code is amended to read:

Tax levy

31702. After the board of directors has furnished the estimate, the board of supervisors, annually, at the time and in the manner of levying other county taxes, shall:

(a) Until each bonded debt is fully paid, levy upon the property within the district, or improvement district therein benefited by the bonded debt, and cause to be collected a tax sufficient to pay the principal of and interest on the bonded indebtedness to be known as the "_____ County Water District Bond tax."

(b) Until all charges, claims, expenditures and expenses other than a bonded debt of any improvement district created

pursuant to this division have been fully paid, levy within such improvement district and cause to be collected a tax sufficient to pay all said charges, claims, expenditures and expenses of each improvement district to be known as the "_____ County Water District Improvement District No. _____ tax."

(c) Until all other expenses or claims against the district are fully paid, levy upon all of the property within the district and cause to be collected a tax sufficient to pay all those expenses or claims to be known as the "_____ County Water District general tax."

SEC. 3. Section 31703 of said code is amended to read:

31703. Subject to any other limitations in this division contained the taxes shall be levied on property in the district as follows: Method of levying tax

(a) The bond tax shall be levied upon the district or improvement district therein benefited by the purposes of the bonded debt, as stated in the resolution declaring the necessity of incurring the bonded debt

(b) Each improvement district tax shall be levied solely upon the property within the improvement district as described in the resolution of the board creating such improvement district.

(c) The general tax shall be levied upon all the property within the district.

SEC. 4. Section 31704 of said code is repealed. Repeal

SEC. 5. Section 31705 of said code is repealed. Repeal

SEC. 6. Section 31707.5 is added to said code, to read:

31707.5. (a) Taxes for the payment of all charges, claims, expenditures and expenses, other than a bonded debt, of any improvement district created pursuant to this division are a lien on all the property described in the resolution of the board creating such improvement district. Tax liens

(b) All taxes for purposes other than those specified in Section 31707 or subdivision (a) of this section are a lien on all the property in the district.

SEC. 7. Section 31708 of said code is repealed. Repeal

CHAPTER 1183

An act to amend Sections 640, 641, 642, 643, 644, 645, 645.1, 646, and 1200 of the Probate Code, relating to probate proceedings.

[Approved by Governor June 21, 1955. Filed with Secretary of State June 23, 1955.] In effect September 7, 1955

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

SECTION 1. Section 640 of the Probate Code is amended to read:

640. If the decedent leaves a surviving spouse or minor child or minor children, and the net value of the whole estate, Surviving spouse or minor child

over and above all liens and encumbrances at the date of death and over and above the value of any homestead interest set apart out of decedent's estate under Section 660 or Section 661 of this code, does not exceed the sum of two thousand five hundred dollars ($2,500), the same may be set aside to the surviving spouse, if there be one, and if there be none, then to the minor child or minor children of the decedent.

SEC. 2. Section 641 of the Probate Code is amended to read:

Petition for probate Allegations and prayer

641. Allegations showing that this article is applicable, together with a prayer that the estate be set aside as provided in this article, may be included alternatively in the petition for probate of the will or for letters of administration; or such allegations and prayer may be presented by separate petition filed by the personal representative of the decedent, or the surviving spouse, or the guardian of the minor child or children, filed at any time before the hearing on the petition for probate of the will or for letters of administration or after the filing of the inventory. In all cases the petition must be verified; and the allegations shall include a specific description and an estimate of the value of all of the decedent's property, a list of all liens and encumbrances at the date of death, and a designation of any property as to which a homestead is set apart out of decedent's estate under Section 660 or Section 661 of this code.

SEC. 3. Section 642 of the Probate Code is amended to read:

642. If the allegations and prayer as provided in Section 641 are included in the petition for probate of the will or for letters of administration, the notice of hearing shall include a statement that a prayer for setting aside the estate to the surviving spouse or minor child or minor children, as the case may be, is included in the petition.

SEC. 4. Section 643 of the Probate Code is amended to read:

Separate petition Hearing

643. If a separate petition is filed under the provisions of Section 641, the clerk shall fix a day for the hearing thereof and shall give notice for the period and in the manner required by Section 1200 of this code. If the hearing of the original petition for probate of the will or for letters of administration is set for a day more than 10 days after the filing of such separate petition, the latter shall be set for hearing at the same time as the former; if not, the separate petition shall be set for hearing at least 10 days after the date on which it is filed, and if the original petition has not already been heard it shall be continued until such date and heard at the same time.

SEC. 5. Section 644 of the Probate Code is amended to read:

Inheritance tax appraiser

644. Upon the filing of any petition provided for by this article, unless the whole estate consists of money, the court shall forthwith appoint one inheritance tax appraiser, who

shall appraise the property described in the petition, and file his report with the clerk of the court.

SEC. 6. Section 645 of the Probate Code is amended to read:

Estates not exceeding $2,500, etc

645. If, upon the hearing of any petition provided for by this article, the court finds that the net value of the estate over and above all liens and encumbrances at the date of the death of the decedent and over and above the value of any homestead interest set apart out of decedent's estate under Section 660 or Section 661 of this code, does not exceed the sum of two thousand five hundred dollars ($2,500), as of the date of such death, and that the expenses of the last illness, funeral charges and expenses of administration have been paid, it shall, by decree for that purpose, assign to the surviving spouse of the decedent, if there be a surviving spouse; provided, said surviving spouse shall not have theretofore remarried, or, if there be no surviving spouse, then to such child or children of the decedent as may be then minors, if any, the whole of the estate, subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the decedent. The title thereto shall vest absolutely in such surviving spouse, or if there be no such surviving spouse, the minor child or children subject to whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of the decedent, and there must be no further proceedings in the administration, unless further estate be discovered. But no surviving spouse or minor child shall be entitled to such an assignment who has other estate, including the total value of any property held by such surviving spouse or minor child in joint tenancy with the decedent and the value of any homestead interest set apart to such person out of decedent's estate under Section 660 or Section 661 of this code, the net value of which, over and above all liens and encumbrances, exceeds the sum of twelve thousand five hundred dollars ($12,500).

SEC. 7. Section 645.1 of the Probate Code is amended to read:

Order of court When it becomes final

645.1. In the absence of fraud in the procurement an order of the superior court assigning an estate pursuant to the provisions of the preceding section, when it becomes final, is a conclusive determination of the jurisdiction of the court (except when based on the erroneous assumption of death), and cannot be collaterally attacked.

SEC. 8. Section 646 of the Probate Code is amended to read:

Estates exceeding $2,500, etc

646. If the court finds that the net value of the estate exceeds two thousand five hundred dollars ($2,500), or that the surviving spouse or minor child has other estate of twelve thousand five hundred dollars ($12,500) in value, or that there is neither a surviving spouse nor a minor child, it shall act

upon the petition for probate or for letters of administration in the same manner as though no petition to set aside the estate had been included, and the estate shall then be administered in the usual manner.

SEC. 9. Section 1200 of the Probate Code is amended to read:

Petition

1200. Upon the filing of the following petitions:

(1) A petition under Section 641 of this code for the setting aside of an estate;

(2) A petition to set apart a homestead or exempt property;

(3) A petition relating to the family allowance filed after the return of the inventory;

(4) A petition for leave to settle or compromise a claim against a debtor of the decedent or a claim against the estate or a suit against the executor or administrator as such;

(5) A petition for the sale of stocks or bonds;

(6) A petition for confirmation of a sale;

(7) A petition for leave to enter into an agreement to sell or give an option to purchase a mining claim or real property worked as a mine;

(8) A petition for leave to execute a promissory note or mortgage or deed of trust or give other security;

(9) A petition for leave to lease or to exchange property, or to institute an action for the partition of property;

(10) A petition for an order authorizing or directing the investment of money;

(11) A report of appraisers concerning a homestead;

(12) An account of an executor or administrator or trustee;

(13) A petition for partial or ratable or preliminary or final distribution;

(14) A petition for the delivery of the estate of a nonresident;

(15) A petition for determination of heirship or interests in an estate;

(16) A petition of a trustee for instructions;

(17) A petition for the appointment of a trustee;

(18) Any petition for letters of administration or for probate of will, or for letters of administration-with-will annexed, which is filed after letters of administration or letters testamentary have once been issued; and in all cases in which notice is required and no other time or method is prescribed

Hearing

by law or by court or judge, the clerk shall set the same for hearing by the court and shall give notice of the petition or application or report or account by causing a notice of the time and place of hearing thereof to be posted at the courthouse of the county where the proceedings are pending, at least 10 days before the day of hearing, giving the name of the estate, the name of the petitioner and the nature of the application, referring to the petition for further particulars, and stating the time at which the application will be heard.

Notice of hearing

At least 10 days before the time set for the hearing of such petition, account or report, the petitioner or person filing the account or desiring the confirmation of a report of appraisers, must cause notice of the time and place of hearing thereof to be mailed to the executor or administrator, when he is not the petitioner, to any coexecutor or coadministrator not petitioning, and to all persons (or to their attorneys, if they have appeared by attorney), who have requested notice or who have given notice of appearance in the estate in person or by attorney, as heir, devisee, legatee or creditor, or as otherwise interested, addressed to them at their respective post-office addresses given in their requests for special notice, if any, otherwise at their respective offices or places of residence, if known, and if not, at the county seat of the county where the proceedings are pending, or to be personally served upon such person.

Proof of giving of notice

Proof of the giving of notice must be made at the hearing; and if it appears to the satisfaction of the court that said notice has been regularly given, the court shall so find in its order, and such order, when it becomes final, shall be conclusive upon all persons.

CHAPTER 1184

An act to amend Section 10494 of the Insurance Code, relating to insurance.

[Approved by Governor June 21, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 10494 of the Insurance Code is amended to read:

10494. Such a benefit and relief association shall not provide for payment of a death benefit of more than five hundred dollars ($500) or for disability benefits of more than five hundred dollars ($500) to any one person in any one period of 12 consecutive months and shall not issue to its members a policy or benefit certificate or any other evidence of benefits except that found in the articles of the association or the by-laws thereof. However, a benefit and relief association described in Section 10493(c)(1) may provide for a death benefit up to one thousand dollars ($1,000) and/or disability benefits up to one thousand dollars ($1,000).

CHAPTER 1185

An act to augment the Old Age and Survivors Insurance Revolving Fund and making an appropriation.

In effect September 7, 1955

[Approved by Governor June 21, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. There is hereby appropriated the sum of ten thousand dollars ($10,000) from the General Fund in the State Treasury to be transferred by the State Controller to the Old Age and Survivors Insurance Revolving Fund.

CHAPTER 1186

An act to amend Section 248 of the Code of Civil Procedure, relating to juries in courts of record.

In effect September 7 1955

[Approved by Governor June 21, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. 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. When less than the whole number of jurors available from such panel will be required to complete a jury or juries in a case or cases called for trial on any particular day, the court may make and enter in its minutes an order determining the number of jurors required and thereupon, in open court, the clerk of the court shall draw from the box referred to in Section 246 of this code the number of names of jurors so required. Thereupon such jurors shall be instructed in the manner ordered by the court to attend and serve in the trial of such case or cases.

CHAPTER 1187

An act to amend Section 6334 of the Education Code, relating to school district budgets.

[Approved by Governor June 21, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 6334 of the Education Code is amended to read:

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. In the case of a school district or districts in which the average daily attendance of all said districts combined is in excess of 200,000, governed by the same governing board, the public hearing during the first week of August need not be held if there have been at least two public meetings on the publication budget prior to the first week of August, at which public meetings any changes proposed to be made in the publication budget for the final budget shall have been presented.

CHAPTER 1188

An act to add Section 207 to the Education Code, relating to surplus educational property and creating a revolving fund.

In effect September 7, 1955

[Approved by Governor June 21, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 207 is added to the Education Code, to read:

207. The State Educational Agency for Surplus Property may, without at the time furnishing vouchers or itemized statements, draw from the Surplus Educational Property Revolving Fund for use as a departmental revolving fund:

(a) A sum not to exceed thirty thousand dollars ($30,000), or

(b) With the approval of Department of Finance a sum in excess of thirty thousand dollars ($30,000).

Any moneys so withdrawn may only be used, in accordance with law and Board of Control rules, for payment of compensation earned, traveling expense, traveling expense advances, or where immediate payment is otherwise necessary. All disbursements from such revolving fund must be substantiated by vouchers filed with and audited by the Controller. From time to time, disbursements, supported by vouchers, may be reported to the Controller in connection with claims for reimbursement of the departmental revolving fund. At any time upon the demand of the Department of Finance or the Controller, such revolving fund must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the Controller.

CHAPTER 1189

An act to amend Sections 23670 and 23810 of, and add Sections 23670.1 and 23811 to, the Water Code, relating to improvement districts in irrigation districts.

In effect September 7, 1955

[Approved by Governor June 21, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 23670 of the Water Code is amended to read:

Maximum number of installments

23670. Except as provided in Section 23670.1, the assessment may be made payable in not more than 10 annual installments.

SEC. 2. Section 23670.1 is added to said code, to read:

Increase by board

23670.1. Upon approval by two-thirds of the board, and approval by the commission, the assessment may be made payable in not more than 20 annual installments.

SEC. 3. Section 23810 of said code is amended to read:

23810. Except as provided in Section 23811, the improvement district warrants shall be made payable over not to exceed a period of 10 years and shall specify a rate of interest fixed at the time of their issuance not exceeding 7 percent per year.

Warrants
Maximum term and interest rate

SEC. 4. Section 23811 is added to said code, to read:

23811. Upon approval by two-thirds of the board, and approval by the commission, the improvement district warrants shall be made payable over not to exceed a period of 20 years and shall specify a rate of interest fixed at the time of their issuance not exceeding 6 percent per year.

Increase by board

CHAPTER 1190

An act to amend Sections 6101 and 6102 of the Business and Professions Code, relating to the disbarment or suspension of attorneys.

[Approved by Governor June 21 1955 Filed with Secretary of State June 23, 1955]

In effect September 7, 1955

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

SECTION 1. Section 6101 of the Business and Professions Code is amended to read:

6101. Conviction of a felony or misdemeanor, involving moral turpitude, constitutes a cause for disbarment or suspension.

Disbarment or suspension
Crimes re moral turpitude

In any proceeding, whether under this article or otherwise, to disbar or suspend an attorney on account of such conviction, the record of conviction shall be conclusive evidence of guilt of the crime of which he has been convicted. The clerk of the court in which an attorney is convicted of a crime involving, or appearing from the record of conviction probably to involve, moral turpitude, shall, within 30 days after such conviction, transmit a certified copy of the record of conviction to the Supreme Court. The State Bar of California may procure and transmit such record of conviction to the Supreme Court when the clerk has not done so or when the conviction was had in a court other than a court of this State.

The proceedings to disbar or suspend an attorney on account of such conviction shall be undertaken by the Supreme Court, pursuant to the procedure provided in this section and Section 6102, upon the receipt of the certified copy of the record of conviction.

A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of said sections.

Conviction

SEC. 2. Section 6102 of the Business and Professions Code is amended to read:

Suspension until time for appeal has elapsed, etc.

6102. (a) Upon the receipt of the certified copy of such record of conviction, if it appears therefrom that the crime of which the attorney was convicted involved or that there is probably cause to believe that it involved moral turpitude, the Supreme Court shall suspend the attorney until the time for appeal has elapsed, if no appeal has been taken, or until the judgment of conviction has been affirmed on appeal, or has otherwise become final, and until the further order of the court. Upon good cause shown the court may set aside such suspension when it appears to be in the interests of justice so to do, due regard being had to maintaining the integrity of and confidence in the profession.

Order

(b) If, after adequate notice and opportunity to be heard (which hearing shall not be had until the judgment of conviction has become final or, irrespective of any subsequent order under the provisions of Section 1203.4 of the Penal Code, an order granting probation has been made suspending the imposition of sentence), the court finds that the crime of which the attorney was convicted, or the circumstances of its commission, involved moral turpitude it shall enter an order disbarring the attorney or suspending him from practice for a limited time, according to the gravity of the crime and the circumstances of the case; otherwise it shall dismiss the proceedings. In determining the extent of the discipline to be imposed in a proceeding pursuant to this article any prior discipline imposed upon the attorney may be considered.

Reference to State Bar

(c) The court may refer the proceedings or any part thereof or issue therein, including the nature or extent of discipline, to the State Bar for hearing, report and recommendation.

(d) The record of the proceedings resulting in such conviction, including a transcript of the testimony therein, may be received in evidence.

Rules

(e) The Supreme Court shall prescribe rules for the practice and procedure in proceedings had pursuant to this section and Section 6101.

Application

(f) The other provisions of this article providing a procedure for the disbarment or suspension of an attorney do not apply to proceedings pursuant to Sections 6101 and 6102, unless expressly made applicable.

CHAPTER 1191

An act to amend Section 714 of the Code of Civil Procedure, relating to examination of judgment debtors.

In effect September 7, 1955

[Approved by Governor June 21, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. 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, may properly be issued, whether or not such execution has been issued or returned, the judgment creditor is entitled to an order from a judge of the court, requiring 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.

CHAPTER 1192

An act to amend Section 7239 of the Streets and Highways Code, relating to assessments for improvements.

[Approved by Governor June 21, 1955. Filed with Secretary of State June 23, 1955.] In effect September 7, 1955

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

SECTION 1. Section 7239 of the Streets and Highways Code is amended to read:

7239. If no objection is filed or when the orders and determinations of the legislative body made at the hearing have been complied with, and the legislative body is satisfied with the correctness of the report the clerk of the legislative body shall transmit to the superintendent of streets the diagram and assessment as finally confirmed. The diagram and assessment shall be recorded by filing the same in the office of the superintendent of streets in a suitable book to be kept for that purpose, which shall be the assessment roll, and by filing a notice of assessment executed by said superintendent of streets in substantially the form hereinafter set forth in the office of the recorder of the county in which the lots or parcels of land are situated. It shall be the duty of the recorder to so file any such notice presented to him upon payment of the filing fee therefor, which fee is hereby fixed at two dollars ($2). The time of recording as used in this division shall be the time of filing such notice in the office of the said recorder. From the time of such recording all persons shall be deemed to have notice of the contents of the assessment roll.

NOTICE OF ASSESSMENT

Pursuant to the requirements of Section 7239 of the Streets and Highways Code, I, _____, Superintendent of Streets of the City of _____, County of _____, State of California, hereby give notice that a warrant, diagram and assessment were filed in my office on _____ as provided for in said section, and relating to the following described real property:

(The real property in the assessment district may be described by:

(a) Stating its exterior boundaries; or

(b) Giving a description thereof according to any official or recorded map; or

(c) Referring to a plat or map filed with the notice, which shall indicate by a boundary line the extent of the territory included in the assessment district, and shall govern for all details as to the extent of the assessment district.)

Notice is further given that upon the filing of this notice in the office of the county recorder the several assessments assessed as shown in said filed diagram and assessment shall be a lien upon the lots or portions of lots assessed, respectively.

Reference is made to the warrant, diagram and assessment on file in my office for full particulars.

Dated _____

_____

(Superintendent of Streets)

CHAPTER 1193

An act to amend Section 3447 of the Welfare and Institutions Code, relating to property of recipients of aid to the partially self-supporting blind.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 3447 of the Welfare and Institutions Code is amended to read:

3447. Aid shall not be received under the provisions of this chapter by any person who owns personal or real property, or both, the county-assessed valuation of which, less all encumbrances thereon of record, is in excess of three thousand five hundred dollars ($3,500). Aid shall not be denied under the provisions of this chapter to any blind person with a plan for achieving self-support on the ground that he owns additional real or personal property; provided, that such additional property is necessary to implement his plan for achieving self-support; and provided, that the county-assessed valuation of such additional real or personal property does not exceed three thousand five hundred dollars ($3,500).

The term "personal property" shall not include a policy or policies of life insurance on the life of the applicant or recipient which has or have been in effect at least five years prior to the date of application, if the value of the policy or policies at maturity is in an amount not exceeding one thousand dollars ($1,000).

No life insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on life insurance policies shall not be deemed income or resources of the applicant or recipient, whether or

not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient.

An educational scholarship which has been awarded by a high school, college, or university to any recipient of aid under this chapter while he is regularly attending any public school in this State, the University of California, or any other institution of higher learning in this State, shall not be deemed property, income, or resource of the recipient for any purpose and no deduction therefor shall be made from the recipient's amount of aid.

CHAPTER 1194

An act to amend Sections 19601, 19601.5, 19601.6, 19601.7, 19604, 19607.1, 19607.2, 19607.4, 19607.6, 19608, 19610, 19611, and 19613 of, to add Sections 19608.1, 19611.3, and 19614.1 to, and to repeal Section 19620 of, the Education Code, relating to child care centers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.] In effect immediately

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

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

19601. The policy of the Legislature in enacting this chapter is to continue child care centers to provide until June 30, 1957, care and supervision of children necessitated by the employment of women with children, without imposing additional taxes on property which the owners of such property cannot, because of the burden now imposed, be reasonably expected to bear. Legislative policy

SEC. 2. Section 19601.5 of said code is amended to read:

19601.5. The need of a parent and child for child care center service shall be determined upon the following conditions: Determination of need

(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 attending school or receiving instruction under the Servicemen's Readjustment Act of 1944 or Veterans Readjustment Assistance Act of 1952 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 or as a qualified and acceptable worker to serve in the care and guidance of children in a child care center or a supervisor of a child care program, 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 centers, or

(h) That the parent having care of the child is attending school or receiving instruction under the State Vocational Rehabilitation Program, as shall be evidenced by a statement from that agency.

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 (h), inclusive, of this section.

SEC. 3. Section 19601.6 of said code is amended to read:

Maximum total monthly income

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 eighty-five dollars ($385) if there is one child in the family, four hundred forty dollars ($440) if there are two children, four hundred ninety-five dollars ($495) if there are three children, and an additional fifty-five dollars ($55) 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 seventy-five dollars ($275) if there is one child in the family, three hundred thirty dollars ($330) if there are two children, three hundred eighty-five dollars ($385) if there are three children, four hundred forty dollars ($440) if there are four children, and an additional fifty-five dollars ($55) 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 computing the maximum "total monthly income" of self-employed persons the gross income of such persons may be reduced by the legitimate business expenses incident to the self-employment. 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 workweek of such person is five days or more.

SEC. 4. Section 19601.7 of said code is amended to read:

Veteran's families

19601.7. If either parent is a veteran coming within (c) of Section 19601.5 and is attending school or receiving instruction for not less than half-time, or if the parent or if either parent comes within (a), (d), (e), (f), (g), or (h) of Section 19601.5, and if the income from all sources of the child's immediate family exceeds that fixed by Section 19601 6, but is not greater than three times the amount 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, except a parent coming within (a) of Section 19601.5, 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. The governing board shall charge a parent coming within (a) of Section 19601.5 the fee required for the applicable maximum income as provided in Section 19601.6, plus, for each full ten dollars ($10) of an additional fifty-five dollars ($55) of income, one-fifth of the difference between that fee and the amount which will reimburse the district for the cost of supervision, care, and all food furnished the child.

Families of men on active duty

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.

SEC. 5 Section 19604 of said code is amended to read:

Use of school facilities

19604. The said governing board may permit the use of and furnish maintenance for buildings, grounds, and equipment, and the use of existing administrative personnel for the purposes of this chapter.

SEC. 6. Section 19607.1 of said code is amended to read:

Legislative 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 paid for by state funds apportioned to the districts and fees collected from parents, 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. 7. Section 19607.2 of said code is amended 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. For parents who come within the provisions of Section 19601.6, 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. The schedule shall provide as nearly as possible an amount equal to thirteen cents ($0.13) per hour per child. The fee schedule shall be on an hourly basis, and shall be uniformly applied.

SEC. 8. Section 19607.4 of said code is amended to read:

State-wide average state support rate

19607.4. The state-wide average state support per hour per child shall be twenty-six cents ($0.26). The Superintendent of Public Instruction shall apportion state funds to the districts using twenty-six cents ($0.26) per hour per child. If the fees collected by any district shall for any month be less or more than thirteen cents ($0.13) per hour per child, the amount of the apportionment shall be increased or decreased in an amount equal to the amount by which the fees collected are less or more, respectively, than thirteen cents ($0.13) per hour per child, except that in no event shall the amount apportioned exceed thirty-one cents ($0.31) per hour per child.

SEC. 9. Section 19607.6 of said code is amended to read:

Exceptions from computations

19607.6. Hours of attendance of children of, and fees collected from, parents required by this chapter to pay the full cost of supervision, care, and all food of a child in a child care center shall not be used in computing amounts under Section 19607.4.

SEC. 10. 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, except that any contributions authorized or required to be paid by the district on account of services of employees of a child care center to a retirement system shall be paid from the general fund of the district or from funds of the district derived from a special tax levied pursuant to Section 14725 or 14775 of the Education Code or Section 20532 of the Government Code.

No other 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. 11. Section 19608.1 is added to said code, to read:

19608.1. If during any fiscal year there is apportioned to the "child care center fund" more or less than the amount to which the fund was entitled, the Superintendent of Public Instruction during the next or any succeeding fiscal year shall withhold from, or add to, the apportionment during such next or succeeding year, the amount of such excess or deficiency. Excess or deficiency apportioned to fund

SEC. 11.5. Section 19610 of said code is amended to read:

19610. The said governing board shall employ in a child care center only such persons who hold permits issued by the Superintendent of Public Instruction. The filing with the county superintendent of schools of a regulation of a governing board or a public health agency requiring a physical examination of persons employed in child care centers shall be deemed to be the issuance of a valid permit except for persons employed in positions pertaining to the care and guidance of children or supervision of a child care program. Each person employed by the governing board of a school district for a position requiring a permit shall, not later than 60 days after the date fixed by the governing board of the district for the commencement of his service, file with the county superintendent of schools a valid permit issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, file the renewed permit in the same manner. Qualifications of employees

SEC. 12. Section 19611 of said code is amended to read:

19611. Each person employed by a school district in a child care center under the provisions of this chapter shall be deemed for all purposes, including retirement, to be a person employed by the school district in a position not requiring certification qualifications, except that he shall not be subject to the provisions of Article 5 of Chapter 13 of Division 7 of this code. Effect of employment

SEC. 13. Section 19611.3 is added to said code, to read:

19611.3. Any city, county, or city and county charter provision to the contrary notwithstanding, each person employed by a school district on the date this section becomes operative who was theretofore excluded, solely by reason of the provisions of Section 19611 in effect prior to that date, from membership in any retirement system in which the district participates or to which it contributes for the purpose of providing retirement rights and benefits for employees of the district not employed in a status requisite for membership in the State Teachers' Retirement System, shall become a member of the retirement system from which he was so excluded, on the date this section becomes operative. Every such member shall be entitled to credit for service in child care centers rendered prior to July 1, 1955, and before he became a member of the system, in the same manner as if he had not theretofore been excluded from membership in the retirement system, except that he shall not be required to make any contributions to the retirement system in respect to such service rendered prior to Employees previously excluded from retirement system

his membership, and all contributions necessary to provide benefits on account of such service shall be paid to the retirement system by the school district by which the member is employed. For the purpose of computing benefits for services rendered prior to July 1, 1955, as provided in this section, the average monthly salary earned by such employee in the Fiscal Year 1954-55 shall be used.

The provisions of this section shall not be applicable to any person whose service for the district has been brought under the coverage of the old age and survivors insurance provisions of the Social Security Act, unless all noncertificated employees of the district are under such coverage.

SEC. 14. Section 19613 of said code is amended to read:

Acceptance of 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.

Report

The State Department of Education shall report to the Legislature at the beginning of the 1956 Budget Session its estimate of the amount necessary for the continuance of this program to its terminal date June 30, 1957, and its recommendations for the expansion or modification of the child care program.

SEC. 15. Section 19614.1 is added to said code, to read:

Deposit of unencumbered balance

19614.1. Any unencumbered balance remaining in a district "child care center fund" may be deposited in the general fund of the school district one year after the discontinuance of its child care center program pursuant to Section 19614 or Section 19618.

Repeal

SEC. 16. Section 19620 of said code is repealed.

Appropriation

SEC. 17. The sum of four million four hundred twelve thousand three hundred dollars ($4,412,300) 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, 1956, of which amount not more than twenty thousand dollars ($20,000) shall be used for the cost to the department in administering this act.

Apportionments to school districts

The department shall make apportionments to school districts from the money appropriated for child care centers on or before July 1st of the year for which appropriated and on or before January 1st and April 1st. The amount of any apportionment shall be based on estimates made by the department of the total number of hours of attendance of children in the centers 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 April 1st, until June 30th. The amount of each apportionment for each school district maintaining child care centers shall be not more than the esti-

mated amount of state support per hour based on the computation provided for in Section 19607.4 of the Education Code, and in accordance with the estimated fees to be collected under the fee schedule as provided in Section 19607.2. If the amount of the apportionments made to a school district exceeds the amount that would have been apportioned had such apportionment been based on actual rather than estimated attendance, the school district shall repay to the department the amount of such excess from any available funds of the district and such amount is a charge against such funds. Such repayment shall be made on or before the next July 15th, and the department may use such repayments to make payments to a school district in an amount not to exceed the amount by which the apportionments to such district were less than the amount which would have been apportioned to such district had such apportionment been based on actual rather than estimated attendance. Such payments shall be made on or before July 30th of the same year.

Short title

SEC. 17.5. This act shall be known and may be cited as the Geddes-Kraft Act.

Operative date

SEC. 18. This act shall become operative on July 1, 1955.

Urgency

SEC. 19. 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, to become operative July 1, 1955. 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 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 one of whose parents may be incapacitated by illness or other disability.

CHAPTER 1195

An act to repeal Sections 148, 149, and 150 of, and to add Section 148 to, the Streets and Highways Code, relating to mass transportation facilities.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Sections 148, 149, and 150 of the Streets and Highways Code are repealed.

SEC. 2. Section 148 is added to said code, to read:

148. Upon a determination by the department that mass transportation facilities described in Section 147, with reference to a freeway, are in the public interest and that the cost is not disproportionate to the public benefits to be derived therefrom, such facilities shall be financed and constructed as are freeways. The general location of such facilities shall be designated by the department, after conferring with the common carriers proposing to utilize such facilities, with appropriate representatives of the Public Utilities Commission, and with appropriate officials of the local agencies concerned. Unless after such conferences the department determines that such facilities are justified and feasible from an engineering standpoint, the department shall, upon written request of the governing body of any such local agency, conduct a public hearing to determine the convenience and necessity therefor. The department shall determine the design for and shall construct the facilities pursuant to such determination. "Mass transportation facilities" as used in this section and in Section 147 shall not include stations, seating, or parking facilities. Nothing herein shall preclude cooperative agreements between the department and local agencies or common carriers for joint financing of such facilities.

CHAPTER 1196

An act to amend Section 71083 of the Government Code, relating to municipal and justice courts and judges thereof.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 71083 of the Government Code is amended to read:

71083. Whenever territory is annexed to a judicial district theretofore having a municipal court, a judge of a court partly or wholly superseded thereby shall, if eligible, succeed to the first vacant judgeship on such municipal court, whether such vacancy then exists or occurs within two years thereafter through the creation of a new judgeship or otherwise.

Whenever the number of judges entitled to succeed as above provided exceeds the number of vacant judgeships on such municipal court, the order of their succession shall be determined as follows: by seniority as a judge within the territory annexed, and, in the case of successive annexations, within the territory annexed at the earlier date; and, in any remaining case, by lot between them.

CHAPTER 1197

An act to amend Section 262.2 of the Code of Civil Procedure, relating to the execution of process.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 262.2 of the Code of Civil Procedure is amended to read:

262.2. Except as otherwise provided, the officer executing process shall, so long as he retains the original process, show it to any person interested therein upon request. He shall show it, with all papers attached, at his office whenever the office is open for business.

CHAPTER 1198

An act to add Section 34090.5 to, and to amend Section 34090 of, the Government Code, relating to destruction of public records.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 34090.5 is added to the Government Code, to read:

34090.5. The city officer having custody of public records, documents, instruments, books, and papers, may cause to be destroyed any or all of such records, documents, instruments, books, and papers, if all of the following conditions exist:

(a) Seven years have elapsed since the last day of the fiscal or calendar year in which such record, document, instrument, book, or paper was prepared.

(b) Such record, document, instrument, book, or paper is not, in the opinion of the officer having custody of it, of sufficient historical, administrative, legal, fiscal, research, or other value, to justify its retention in its original form.

(c) The officer having custody of such record, document, instrument, book or paper, maintains for the use of the public a microphotographic film print, or copy, of each such record, document, instrument, book, or paper destroyed, prepared pursuant to the procedure specified in Sections 1920b and 1923 of the Code of Civil Procedure.

(d) The officer having custody promptly seals and stores at least one original negative of each such microphotographic film in a manner and place reasonably calculated to assure its preservation indefinitely against loss, theft, defacement, or destruction.

SEC. 2. Section 34090 of said code is amended to read:

34090. Unless otherwise provided by law, with the approval of the legislative body by resolution and the written consent of the city attorney the head of a city department may destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof, after the same is no longer required.

This section does not authorize the destruction of:

(a) Records affecting the title to real property or liens thereon.

(b) Court records.

(c) Records required to be kept by statute.

(d) Records less than five years old.

(e) The minutes, ordinances, or resolutions of the legislative body or of a city board or commission.

This section shall not be construed as limiting or qualifying in any manner the authority provided in Section 34090.5 for the destruction of records, documents, instruments, books and papers in accordance with the procedure therein prescribed.

CHAPTER 1199

An act to amend Section 28117 of the Government Code, relating to compensation for public service in counties of the seventeenth class.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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, seven thousand two hundred dollars ($7,200) a year.

(b) The district attorney, ten thousand dollars ($10,000) a year.

(c) Each supervisor, six thousand dollars ($6,000) 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.

(d) Grand jurors shall receive five dollars ($5) for each day's attendance and trial jurors in the superior court shall

receive five dollars ($5) for each day's attendance. Grand jurors and trial jurors in the superior court shall receive 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, five dollars ($5) 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.

CHAPTER 1200

An act to amend Sections 73822, 73824, and 73825 of, to repeal Section 73823 of, and to add Section 73823 to the Government Code, relating to the number and compensation of officers and attaches of the municipal court established in the City of Modesto.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 73822 of the Government Code is amended to read:

73822. There shall be one clerk who shall receive a minimum salary of three hundred thirty-three dollars ($333) monthly, with annual increments of sixteen dollars ($16), seventeen dollars ($17), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of four hundred dollars ($400) monthly.

Modesto Municipal Court salaries Clerk

SEC. 2. Section 73823 of said code is repealed.

Repeal

SEC. 3. Section 73823 is added to said code, to read:

73823. The clerk may appoint:

(a) One assistant 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.

Assistant clerk

(b) Two deputy clerks who shall be court clerks and each of whom shall receive a minimum salary of two hundred seventy-seven dollars ($277) monthly with annual increments of fourteen dollars ($14), fourteen dollars ($14), fourteen dollars ($14), and fourteen dollars ($14) to a maximum of three hundred thirty-three dollars ($333) monthly.

Deputy clerks

(c) One deputy accounting clerk who shall receive a minimum salary of two hundred fifty-three dollars ($253) monthly

Deputy accounting clerk

with annual increments of twelve dollars ($12), thirteen dollars ($13), thirteen dollars ($13), and thirteen dollars ($13) to a maximum of three hundred four dollars ($304) monthly.

Deputy clerks

(d) Four deputy clerks, each of whom shall receive a minimum salary of two hundred twenty-one dollars ($221) monthly with annual increments of eleven dollars ($11), eleven dollars ($11), eleven dollars ($11), and eleven dollars ($11) to a maximum of two hundred sixty-five dollars ($265) monthly.

SEC. 4. Section 73824 of said code is amended to read:

Marshal

73824. There shall be one marshal who shall receive a salary of three hundred four dollars ($304) monthly, with annual increments of fifteen dollars ($15), fifteen dollars ($15), fifteen dollars ($15), and sixteen dollars ($16) to a maximum of three hundred sixty-five dollars ($365) monthly.

SEC. 5. Section 73825 of said code is amended to read:

Marshal's appointees

73825. The marshal may appoint the following:

(a) One deputy marshal who shall be a court bailiff, and who shall receive a minimum salary of two hundred seventy-seven dollars ($277) monthly with annual increments of fourteen dollars ($14), fourteen dollars ($14), fourteen dollars ($14), and fourteen dollars ($14) to a maximum of three hundred thirty-three dollars ($333) monthly.

(b) One deputy marshal clerk who shall receive a minimum salary of two hundred twenty-one dollars ($221) monthly with annual increments of eleven dollars ($11), eleven dollars ($11), eleven dollars ($11), and eleven dollars ($11) to a maximum of two hundred sixty-five dollars ($265) monthly.

(c) Two deputies who shall be custodians at the fee allowed by law for keeping property.

CHAPTER 1201

An act to add Chapter 9.5 to Division 4 of the Education Code, relating to the education of children admitted to a children's institution.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Chapter 9.5 is added to Division 4 of the Education Code, to read:

CHAPTER 9.5. EDUCATION OF CHILDREN RESIDING IN CHILDREN'S INSTITUTIONS

Child residing in children's institution

9660. Whenever a school district educates a child who resides in a regularly established licensed children's institution located either within or without the boundaries of the dis-

trict; and provided, the average daily attendance of all the children residing in such an institution is equal to or greater than 1 percent of the total average daily attendance of that school district, the child shall be deemed to be, for the purposes of this code, a resident of the school district in which he resided prior to his admission to the children's institution.

Payment of cost of educating minor

9661. The school district of which any such minor is a resident shall at the close of each school year pay to the district educating such minor the cost of educating such minor during the school year. The cost shall be determined by dividing the total current expenditures of the school district during such school year less all apportionments from the State or allocations from the Federal Government on account of such school or classes, by the total number of units of average daily attendance in such school or classes during such school year.

Claim for cost

9662. The district maintaining such school or classes shall forward its claim to the district of residence and the governing board of such district shall upon receipt thereof pay such claim.

Transfer of funds

9663. If payment is not made within thirty (30) days prior to the close of the fiscal year in which the claim is submitted, the county superintendent shall, after verifying the claim, take the necessary steps to have the money transferred from the district of residence to the district maintaining the school or classes.

CHAPTER 1202

An act to amend Section 21378 of the Water Code, relating to internal organization of irrigation districts.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 21378 of the Water Code is amended to read:

21378. The board, however, may by resolution entered upon its minutes fix any day of the month for its regular monthly meeting, or if more than one regular meeting is to be held each month it may fix the days for such regular meetings. The change shall not be effective until the resolution proposing it has been published once a week for two successive weeks in a newspaper published in the office county.

CHAPTER 1203

An act to amend Section 586 of the Vehicle Code, relating to the stopping, standing or parking of vehicles in specified places.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 586 of the Vehicle Code is amended to read:

586. Stopping, Standing or Parking Prohibited in Specified Places. (a) 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:

(1) Within an intersection except adjacent to curbs as may be permitted by local ordinance.

(2) On a crosswalk.

(3) 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.

(4) Within 15 feet of the driveway entrance to any fire station.

(5) In front of a public or private driveway, except that a bus engaged as a common carrier in local transportation or a taxicab may stop to load or unload passengers when so authorized by local authorities pursuant to ordinance; provided, that such bus or taxicab, when stopping to load or unload passengers, shall leave sufficient driveway space available for the movement of vehicular traffic in and out of such driveway.

(6) On a sidewalk.

(7) Alongside or opposite any street or highway excavation or obstruction when such stopping, standing or parking would obstruct traffic.

(8) On the roadway side of any vehicle stopped, parked or standing at the curb or edge of a highway.

(9) 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.

(10) In a tube or tunnel or upon a bridge, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility, and except that a bus engaged as a common carrier in local transportation may stop to load or unload passengers upon a bridge where sidewalks are

provided, when so authorized by local authorities pursuant to ordinance.

(b) No ordinance enacted by local authorities pursuant to paragraphs (5) and (10) of subdivision (a) of this section shall become effective as to any state highway without prior submission to and approval by the Department of Public Works in the same manner as required by Section 459 for ordinances enacted under subdivisions (d) through (i) thereof. Nothing contained in this section shall be construed as authorizing local authorities to enact legislation which is contrary to the provisions of Section 592.1 of this chapter.

CHAPTER 1204

An act to add Section 802.1 to the Fish and Game Code, relating to the taking of abalones for commercial purposes.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 802.1 is added to the Fish and Game Code, to read:

802.1. The provisions of this section shall remain in effect only until the ninety-first day after final adjournment of the 1957 Regular Session of the Legislature. While this section is in effect Sections 118, 792, 794, 794.5, and 802 shall not be operative. All provisions of this section relating to District 18 shall apply to the area described in Section 118 as District 118.

Termination date

Abalones may be taken between March 16th and January 14th.

When abalones may be taken

Abalones may not be taken for commercial purposes except under a revocable permit issued by the commission and under such rules and regulations as the commission shall prescribe. It is unlawful to take or possess abalone for commercial purposes in Districts 6, 7, 15, 16, 17, and 19-A, in that portion of District 10 lying north of Point Lobos (San Francisco County), and in District 20 except that part lying on the southerly side of Catalina Island between Southeast Rock and China Point. Diving apparatus may be used under permit to take abalones in water not less than 20 feet in depth as follows:

(a) In those portions of District 10 along the shores of the Farallon Islands, in that portion of District 20 lying on the southerly side of Catalina Island between Southeast Rock and China Point, District 20-A, and in those portions of District 19 along the shores of Anacapa, Santa Cruz, Santa Rosa, Santa Barbara, San Nicolas, San Clemente, and San Miguel Islands;

(b) In that portion of District 10 south of Point Lobos (San Francisco County), that portion of District 18 lying northwesterly of the mouth of Gaviota Creek (Santa Barbara

County), and in that portion of District 19 southerly of the north city limits of San Diego; provided, that the Farallon Islands and San Clemente Island are included in paragraph (a) only.

(c) It is further provided that in those areas specified in paragraph (b) herein, no commercial abalone fishing may be conducted within 150 feet of land. When conducting commercial abalone fishing operations in those areas specified in paragraph (b) herein, neither boat nor diver shall operate in water less than 20 feet deep nor less than 150 feet from any point on shore.

(d) Black abalone may not be taken commercially in those areas specified in paragraph (b) herein.

(e) It is unlawful to take abalones for commercial purposes, the shell of which, measured in the greatest diameter, is less than the following specifications: red abalone, eight inches; green abalone, seven and one-quarter inches; pink abalone, six inches; black abalone, five inches; all other species of abalone, six inches.

Fees

In addition to any other fees prescribed by this code, the owner or operator of any vessel engaged in commercial abalone fishing shall pay an annual fee of forty dollars ($40) to the department which shall issue a certificate of registration.

Certificate of registration

Said certificate is valid for the period specified for abalone fishing as prescribed in Section 792, or, if issued after the beginning of such term, for the remainder thereof. The certificate shall be valid for the operation of the vessel during the period concerned irrespective of any change of ownership of the vessel or any interest therein. Said certificate shall be carried aboard the vessel at all times posted in a conspicuous place.

Disposition of money

All money collected under the provisions of this section shall be deposited in the Fish and Game Preservation Fund and shall be used exclusively for conducting scientific investigations on abalones.

Limitation

No person shall operate or assist in operating any boat for the purpose of taking abalones commercially unless it is registered as herein provided.

CHAPTER 1205

An act to amend Section 18852 of the Education Code, relating to the purchase of equipment by school districts.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 18852 of the Education Code is amended to read:

18852. The governing board of each school district shall, except as otherwise provided in this code, purchase school

furniture, including musical instruments, and apparatus, and such other articles as are necessary for the use of schools, and may, in its discretion, purchase uniforms and other regalia for the use of school bands, orchestras and choirs, and including uniforms and equipment necessary for the use of athletic teams. The provisions of Article 1 of Chapter 4 of Division 5 of Title 1 of the Government Code shall not apply to the purchase of musical instruments made pursuant to this section. Any such articles purchased shall always remain the property of the school district purchasing them. Only such books, apparatus, uniforms, and equipment shall be purchased by the governing board of an elementary school district, if the board is not a city board of education, as have been adopted by the county board of education having jurisdiction over the district.

CHAPTER 1206

An act to add Article 9 to Chapter 6 of Division 6 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Article 9 is added to Chapter 6 of Division 6 of the Public Utilities Code, to read:

Article 9. Improvement Act of 1911

12921. The Improvement Act of 1911 may be used by a district formed pursuant to this division for the construction of water facilities. In the application of said Improvement Act to proceedings instituted by such district, the terms used in said Improvement Act shall have the following meanings:

(a) "City council" and "council" mean the board of the district.

(b) "Municipality" and "city" mean district.

(c) "Clerk" and "city clerk" mean secretary of the board.

(d) "Superintendent of streets," "street superintendent" and "city engineer" mean the engineer appointed by the district to perform the engineering work for the assessment district.

(e) "Tax collector" means county tax collector.

(f) "Treasurer" and "city treasurer" mean the person or officer who has charge of and makes payment of the funds of the district.

(g) "Right of way" shall mean any parcel of land over which the district shall have an easement for the purpose of constructing or maintaining water or sewer lines.

12922. The powers and duties conferred by the Improvement Act of 1911 on boards, officers and agents of cities shall

be exercised by the respective boards, officers and agents of the district.

CHAPTER 1207

An act to add Chapter 11.5 to Division 6 of the Public Utilities Code, relating to municipal utility districts.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Chapter 11 5 is added to Division 6 of the Public Utilities Code, to read:

CHAPTER 11.5. HEARINGS

14401. Before any rates and charges for commodities or service furnished by a district are fixed or changed the general manager shall file with the board a report and recommendation thereon in writing. Within 30 days thereafter the board shall hold a public hearing on the report and recommendation. Notice of the time and place of hearing shall be published once a week for at least two successive weeks before the hearing in at least one newspaper of general circulation published within the district.

CHAPTER 1208

An act to amend Section 3280 of the Streets and Highways Code, relating to assessments for improvements.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 3280 of the Streets and Highways Code is amended to read:

3280. The clerk shall forward to the street superintendent a certified copy of the report, assessment, and plat, as finally confirmed and adopted by the city council, which shall be recorded by filing such certified copy in the office of the superintendent of streets, which copy shall be the assessment roll, and by filing a notice of assessment executed by said superintendent of streets in substantially the form hereinafter set forth in the office of the recorder of the county in which the lots or parcels of land are situated. It shall be the duty of the recorder to so file any such notice presented to him upon payment of the filing fee therefor, which fee is hereby fixed at two dollars ($2). The time of recording as used in this division shall be the time of filing such notice in the office of

said recorder, whereupon, the assessment therein contained shall become due and payable; and shall then become 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.

NOTICE OF ASSESSMENT

Pursuant to the requirements of Section 3280 of the Streets and Highways Code, I, _____, Superintendent of Streets of the City of _____, County of _____, State of California, hereby give notice that a warrant, diagram and assessment were filed in my office on _____ as provided for in said section, and relating to the following described real property:

(The real property in the assessment district may be described by:

(a) Stating its exterior boundaries; or

(b) Giving a description thereof according to any official or recorded map; or

(c) Referring to a plat or map filed with the notice, which shall indicate by a boundary line the extent of the territory included in the assessment district, and shall govern for all details as to the extent of the assessment district.)

Notice is further given that upon the filing of this notice in the office of the county recorder the several assessments assessed as shown in said filed diagram and assessment shall be a lien upon the lots or portions of lots assessed, respectively.

Reference is made to the warrant, diagram and assessment on file in my office for full particulars.

Dated _____

_____

(Superintendent of Streets)

CHAPTER 1209

An act to amend Sections 11610, 11611, 11616, 11619, 11620, and 11627 of the Health and Safety Code, relating to the forfeiture of vehicles for narcotics violations.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 11610 of said code is amended to read:

11610. A vehicle used to unlawfully transport or facilitate the unlawful transportation of any narcotic, or in which any

Forfeiture of vehicles

narcotic is unlawfully kept, deposited or concealed or which is used to facilitate the unlawful keeping, depositing or concealment of any narcotic, or in which any narcotic is unlawfully possessed by an occupant thereof or which is used to facilitate the unlawful possession of any narcotic by an occupant thereof, shall be forfeited to the State.

SEC. 2. Section 11611 of said code is amended to read:

Seizure

11611. Any peace officer of this State, upon making or attempting to make an arrest for a violation of this division, shall seize any vehicle used to unlawfully transport any narcotic or to facilitate the unlawful transportation of any narcotic, or in which any narcotic is unlawfully kept, deposited or concealed or which is used to facilitate the unlawful keeping, depositing or concealment of any narcotic, or in which any narcotic is unlawfully possessed by an occupant thereof, or which is used to facilitate the unlawful possession of a narcotic by an occupant thereof, and shall immediately deliver such vehicle to the Division of Narcotic Enforcement of the Department of Justice to be held as evidence until a forfeiture has been declared or a release ordered.

SEC. 3. Section 11616 of said code is amended to read:

Procedure when no answer filed

11616. If at the end of 20 days after the notice has been mailed or published there is no verified answer on file, the court, upon motion, shall declare the vehicle forfeited to the State. Notwithstanding any other provision of law, a certified copy of said declaration of forfeiture, duly filed with the Department of Motor Vehicles, shall constitute authority for the State to convey clear title to the vehicle to any purchaser thereof in the manner provided in this article.

SEC. 4. Section 11619 of said code is amended to read:

Evidence

11619. At the hearing, any owner who has a verified answer on file may show by competent evidence that the vehicle was not used to transport narcotics or to facilitate the unlawful transportation of narcotics, or that narcotics were not unlawfully possessed by an occupant of the vehicle or that the vehicle was not used to facilitate the unlawful possession of narcotics by an occupant thereof.

SEC. 5. Section 11620 of said code is amended to read:

Proof of lien, etc.

11620. The claimant of any right, title or interest in the vehicle may prove his lien, mortgage, or conditional sales contract to be bona fide and that his right, title, or interest was created after a reasonable investigation of the moral responsibility, character, and reputation of the purchaser, and without any knowledge that the vehicle was being, or was to be, used for the purpose charged but, in any case, a reasonable investigation of the moral responsibility, character and reputation of the purchaser or mortgagor shall be deemed to have been made if it was made in good faith and it disclosed and the fact also was that:

Reasonable investigation of moral responsibility, etc

(a) The purchaser or mortgagor was at the time the holder of any occupational or business license issued by the State of California, or

(b) The purchaser or mortgagor was at the time a civil service employee or an employee with tenure of the United States, the State of California or of any political subdivision thereof or of any municipal corporation, or

(c) The purchaser or mortgagor was at the time a commissioned or noncommissioned officer of any of the branches of the armed forces of the United States or of the State Militia, or

(d) The purchaser or mortgagor, for at least one year immediately prior to the time such right, title or interest was created, had been regularly employed in a legitimate occupation and his present or last employer reports in substance that he is of good moral responsibility, character and reputation,

(e) And no facts were known to the claimant or his successor tending to show that the purchaser or mortgagor was not of good moral responsibility, character and reputation.

SEC. 6. Section 11627 of said code is amended to read:

Release of vehicle

11627. If the court finds that the vehicle was not used to unlawfully transport narcotics, or to facilitate the unlawful transportation of narcotics, the court shall order the vehicle released to the owner as his right, title or interest appears of record in the Department of Motor Vehicles as of the date of seizure.

CHAPTER 1210

An act to add Section 8255 to the Education Code, relating to disclosure of information concerning persons charged with or convicted of narcotics offenses.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 8255 is added to the Education Code, to read:

8255. No board, commission, or any public officer or employee of the State or of any district, county, city and county, or city is liable for any damage or injury to any person resulting from the publication of any reports, records, prints, or photographs of or concerning any person convicted of violation of any law relating to the use, sale, or possession of narcotics, to school authorities for use in instruction on the subject of narcotics or to any person when used for the purpose of general education; provided, however, that the name of any person concerning whom any such reports, records, prints, or photographs are used shall be kept confidential and every reasonable effort shall be made to maintain as confidential any information which may tend to identify such person.

CHAPTER 1211

An act to add Section 26450.5 to the Health and Safety Code, relating to foods and orange juice drinks.

In effect September 7, 1955

[Approved by Governor June 22, 1955 Filed with Secretary of State June 23, 1955]

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

SECTION 1. Section 26450.5 is added to the Health and Safety Code, to read:

26450.5. "Orange juice drink" means the beverage made from potable water, orange juice in the form of natural strength pure orange juice, pulpy orange juice, orange juice reconstituted from concentrate, or any combination of these, sugar, lemon juice or citric acid, and natural orange peel oil. It shall be free of artificial flavor, artificial color, and artificial cloud. "Orange juice drink" shall contain sufficient orange juice or concentrated orange juice to supply from the juice in each 10 ounce serving the minimum daily adult requirement of Vitamin C as prescribed by the United States Food and Drug Administration (30 milligrams) and shall have a minimum of 30 percent orange juice or reconstituted orange juice in the finished drink. A preservative may be used in accordance with the regulations of the department. The definition and standards provided for in this section shall apply to all beverages produced or sold under the name "orange juice drink" but shall not apply to nor affect any beverage produced or sold under any other name.

CHAPTER 1212

An act to amend Section 30701 of, and to add Section 30701.5 to, the Water Code, relating to county water districts.

In effect September 7, 1955

[Approved by Governor June 22, 1955 Filed with Secretary of State June 23, 1955]

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

SECTION 1. Section 30701 of the Water Code is amended to read:

Election of directors

30701. The election of directors shall, except as provided in Section 30701.5, be held in every second year after the formation of the district on the fourth Tuesday in March.

SEC. 2. Section 30701.5 is added to said code, to read:

Consolidation of election with direct primary

30701.5. The election of directors may be consolidated with the direct primary election if the board of directors passes a resolution to that effect and states in the resolution those offices of director to be filled at the first consolidated election. The offices which may be filled at the first consolidated election

in those districts formed in odd-numbered years are those offices which would have expired the next succeeding year after the first consolidated election, and for districts formed in even-numbered years may be those offices which would have expired in the next succeeding even-numbered year after the first consolidated election. In the event this consolidation procedure is used then all other offices of director in both districts formed in odd- and even-numbered years shall expire and be filled at the next succeeding consolidated election.

Election by majority vote

If the election of directors is consolidated, each candidate for director who at such election receives votes on a majority of all the ballots cast for candidates for the office for which he seeks nomination shall be elected to such office. If at such primary election, as to any such office, none of the candidates receives such majority, the two candidates who receive the highest number of votes cast on all the ballots cast for candidates for such office, shall be the candidates for such office at the ensuing district election, which latter election shall be held at the same time as the next succeeding general election and shall be consolidated therewith. For such consolidated elections candidates shall declare their candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuance of certificates of election for county officers are made, declared, held, and conducted, and issued, so far as consistent with the provisions of this section. Directors elected under the procedure provided in this section, except the first board of directors, shall take office at the same time provided by the Government Code for county officers. Elections held under this section at the time of the direct primary election and consolidated therewith shall be known as the general water district election and each other election in a district holding elections under this section which may be held by authority of this law or the Elections Code or other law applicable thereto shall be known as a special water district election.

Conduct of election

Limitation

No consolidation of elections as set forth in this section may be undertaken without the advice and consent of the county clerk.

CHAPTER 1213

An act to amend Section 19210 of the Streets and Highways Code, relating to highway lighting districts.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 19210 of the Streets and Highways Code is amended to read:

19210. Contiguous territory in the same county may be annexed to a highway lighting district. Territory shall be deemed to be contiguous if it consists 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 district; provided, that if any portion of such territory or street, highway or road is situated within three miles of the boundaries of another district, the consent of such other district shall first be obtained. A petition for that purpose may be filed with the board of supervisors of the county in which the district is situated. The petition shall:

(a) Designate the boundaries of the territory proposed to be annexed to the district.

(b) Designate the number of owners of real property in such territory and the assessed value of the real property in the territory as shown by the last equalized assessment roll of the county.

(c) State that the territory proposed to be annexed is not within the limits of any other lighting district, and request that such territory be annexed to the lighting district.

(d) Be signed by the owners representing at least one-fourth of the total assessed valuation of the real property proposed to be annexed to the district, as shown by the last equalized assessment roll of the county, and by at least one-fourth of the total number of owners of real property in such territory.

CHAPTER 1214

An act to amend Section 4.1 of the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), relating to municipal water districts.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 4.1 of the Municipal Water District Act of 1911 is amended to read:

Sec. 4.1. If, on the sixty-fifth day prior to the day fixed for the district general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, or if no person has been nominated for any one or more of said offices, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the district or a greater portion thereof is situated, at a regular or special meeting held prior to the day of election, appoint, and the board of supervisors shall thereupon appoint, to the office or

offices the person or persons who have been nominated, or if no person or persons have been nominated, any qualified person or persons. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

In such case, the publication provided for in Section 3 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 directors.

CHAPTER 1215

An act to add Section 1157.2 to the Government Code, relating to public agencies.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1157.2 is added to the Government Code, to read:

1157.2. With the approval of the governing body of a public agency and under such regulations as it may prescribe, employees of the public agency may authorize deductions to be made from their salaries or wages either for the payment of contributions to bona fide charitable organizations or for the payment of designated sums to a nonprofit California corporation which is compelled by its by-laws to make, and which does expend such sums solely by the making of, contributions to bona fide charitable organizations.

CHAPTER 1216

An act to amend Sections 19490 and 19592 of the Business and Professions Code, relating to horse racing.

[Approved by Governor June 22, 1955 Filed with Secretary of State June 23, 1955]

In effect September 7, 1955

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

SECTION 1. Section 19490 of the Business and Professions Code is amended to read:

19490. In order to encourage and develop harness racing, whenever a fair conducted by the State Fair and Exposition, or a district or county fair conducts a program of horse races on which there is pari-mutuel wagering, it shall provide a program of harness racing on the same days that it provides a program of racing in which the horses participating are

Harness racing

mounted by jockeys, if sufficient harness horses are available to provide competition in one or more harness races.

SEC. 2. Section 19592 of the Business and Professions Code is amended to read:

Wagering Mechanical equipment

19592. The pari-mutuel system of wagering shall be operated only by the installation and use of the totalisator or such other mechanical equipment as may be approved by the board. The board shall not require any particular make of mechanical equipment but shall determine the contents to be printed on each pari-mutuel ticket.

CHAPTER 1217

An act to amend Section 24200 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 24200 of the Business and Professions Code is amended to read:

24200. The following are the grounds which constitute a basis for the suspension or the revocation of licenses:

(a) When the continuance of a license would be contrary to public welfare or morals; but proceedings under this section upon this ground are not a limitation upon the board's authority to proceed under Article XX, Section 22, of the Constitution.

(b) Except as limited by Chapters 11 and 12 of this division, the violation or the causing or the permitting of a violation by a licensee of this division, any rules of the board adopted pursuant to the provisions of this division, or any other penal provisions of law of this State prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding, or mislabeling of alcoholic beverages or intoxicating liquors.

(c) The misrepresentation of a material fact by any applicant in obtaining any license.

(d) The plea, verdict, or judgment of guilty to any public offense involving moral turpitude or under any federal law prohibiting or regulating the sale, exposing for sale, use, possession, or giving away of alcoholic beverages or intoxicating liquors or prohibiting the refilling or reuse of distilled spirits containers charged against the licensee.

(e) Where the portion of the premises of the licensee upon which the activities permitted by the license are conducted are a resort for illegal possessors or users of narcotics, prostitutes, pimps, panderers, or sexual perverts. In addition to any other legally competent evidence, the character of the premises may be proved by the general reputation of the

premises in the community as a resort for illegal possessors or users of narcotics, prostitutes, pimps, panderers, or sexual perverts.

(f) Failure to correct objectionable conditions constituting a nuisance within a reasonable time after receipt of notice to make such corrections from a district attorney under Section 373a of the Penal Code.

CHAPTER 1218

An act to amend Section 3602 of, and to add Section 3602.1 to, the Public Resources Code, relating to oil and gas wells.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.] In effect September 7, 1955

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

SECTION 1. Section 3602 of the Public Resources Code is amended to read:

3602. Where a parcel of land contains one acre or more, but is less than 250 feet in width, there may be drilled on the parcel of land not more than one well to each acre of the area if the surface location of any well or wells is so placed as to be as far from the lateral boundary lines of the parcel of land as the configuration of the surface and the existing improvements thereon will permit.

SEC. 2. Section 3602.1 is added to said code, to read:

3602.1. Where a parcel of land contains one acre or more and the hydrocarbons to be developed are too heavy or viscous to produce by normal means, and the supervisor so determines, the supervisor may approve proposals to drill wells at whatever locations he deems advisable for the purpose of the proper development of such hydrocarbons by the application of pressure, heat or other means for the reduction of oil viscosity, and such wells shall not be classed as public nuisances after approval by the supervisor.

CHAPTER 1219

An act to amend Sections 905 and 941 of the Streets and Highways Code, relating to county highways.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.] In effect September 7, 1955

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

SECTION 1. Section 905 of the Streets and Highways Code is amended to read:

905. By taking or accepting land for a county highway, the public acquires only the right of way and the incidents necessary to enjoy and maintain the same, subject to the regulations provided in this and the Civil Code and such regulations as may be imposed by local authority, not in conflict with state law. This section shall not be construed or applied so as to prevent a county, city and county, or city from acquiring fee title to land for highway purposes.

SEC. 2. Section 941 of the Streets and Highways Code is amended to read:

941. Boards of supervisors shall by proper order cause those highways which are necessary to public convenience to be established, recorded, constructed, and maintained in the manner provided in this division.

No public or private road shall become a county highway until and unless the board of supervisors, by appropriate resolution, has caused said road to be accepted into the county road system; nor shall any county be held liable for failure to maintain any road unless and until it has been accepted into the county road system by resolution of the board of supervisors.

CHAPTER 1220

An act to amend Section 24405 of the Revenue and Taxation Code, relating to state taxes.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 24405 of the Revenue and Taxation Code is amended to read:

24405. In the case of other associations organized and operated in whole or in part on a cooperative or a mutual basis, all income resulting from or arising out of business activities for or with their members carried on by them or their agents; or when done on a nonprofit basis for or with nonmembers; provided, however, that the deduction allowable under this section shall not apply to such cooperative or mutual associations whose income is principally derived from the sale in the regular course of business of tangible personal property other than agricultural products.

CHAPTER 1221

An act to amend Sections 23320, 23321, 23326, 23430, 23452, and 25761 of, and to add Section 23333 to, the Business and Professions Code, relating to alcoholic beverage license fees, to take effect immediately.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect immediately

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

SECTION 1. Section 23320 of the Business and Professions Code is amended to read:

23320. The following are the types of licenses to be issued under this division and the annual fees to be charged therefor: Types of licenses and fees

(1) Beer manufacturer's license	$828.00 per year
(2) Wine grower's license (to be computed only on the gallonage produced), 5,000 gallons or less	22.00 per year
Over 5,000 gallons to 20,000 gallons per year	44.00 per year
Over 20,000 to 100,000 gallons per year	82.50 per year
Over 100,000 to 200,000 gallons per year	110.00 per year
Over 200,000 gallons to 1,000,000 gallons a year	165.00 per year
For each 1,000,000 gallons or fraction thereof over 1,000,000 gallons an additional	110.00 per year
(3) Brandy manufacturer's license	168.00 per year
(4) Distilled spirits manufacturer's license	276.00 per year
(5) Distilled spirits manufacturer's agent's license	276.00 per year
(6) Still license	12.00 per year
(7) Rectifier's license	276.00 per year
(8) Wine rectifier's license	276.00 per year
(9) Beer and wine importer's license	No fee
(10) Brandy importer's license	No fee
(11) Distilled spirits importer's license	No fee
(12) Public warehouse license	12.00 per year
(13) Customs broker's license	56.00 per year
(14) Wine broker's license	56.00 per year
(15) Beer and wine wholesaler's license	56.00 per year
(16) Distilled spirits wholesaler's license	276.00 per year
(17) Industrial alcohol dealer's license	56.00 per year
(18) Retail package off-sale beer and wine license	12.00 per year
(19) Retail package off-sale general license for under $20,000 gross retail sales of distilled spirits per year	200.00 per year

	In addition, for $20,000 or more gross retail sales of distilled spirits per year	$200.00 per year
(20)	On-sale beer license	28.00 per year
(21)	On-sale beer and wine license	84.00 per year
(22)	On-sale beer and wine license for trains (per train)	16.00 per year
(23)	On-sale beer and wine license for boats (per boat)	56.00 per year
(24)	On-sale beer and wine license for airplanes (per scheduled flight)	16.00 per year
(25)	On-sale general license:	
	In cities of 40,000 population or over	580.00 per year
	In cities of less than 40,000 but more than 20,000 population	412.00 per year
	In all other localities	360.00 per year
(26)	On-sale general license for seasonal business:	
	In cities of 40,000 population or over	145.00 per quarter year
	In cities of less than 40,000 but more than 20,000 population	103 00 per quarter year
	In all other localities	90.00 per quarter year
(27)	(a) On-sale general license for bona fide clubs,	
	(b) Club license (issued under Article 4 of this chapter), or	
	(c) Veterans' club license (issued under Article 5 of this chapter):	
	In cities of 40,000 population or over	330.00 per year
	In cities of less than 40,000 but more than 20,000	248.00 per year
	In all other localities	220.00 per year
(28)	On-sale general license for trains and sleeping cars	128.00 per year
	Duplicate on-sale general license for trains and sleeping car companies	32.00 per year
(29)	On-sale general license for boats	332.00 per year
(30)	On-sale general license for airplanes	128.00 per year
	Duplicate on-sale general license for air common carriers	10.00 per year

Every fee imposed with respect to a license by any other provision of this division shall be increased to an amount equal to ten percent (10%) of the amount of such fee.

The increase in fees made by Chapter 22 of the 1954 First Extraordinary Session and by the act amending this section shall not be affected by the limitation placed by Section 26004 upon the existence of the Alcoholic Rehabilitation Commission.

SEC. 2. Section 23321 of said code is amended to read:

23321. The license for trains shall be issued to a railroad company or other person selling distilled spirits on board trains operating in this State, and a duplicate thereof shall be obtained for each train on which distilled spirits are sold. The license for cars of sleeping car companies shall be issued to a sleeping car company operating sleeping cars in this State, and a duplicate thereof shall be obtained for each train in which distilled spirits are sold by such companies. The license for airplanes shall be issued to an air common carrier selling distilled spirits on board airplanes operating in this State, and a duplicate thereof shall be obtained for each scheduled flight on which distilled spirits are sold.

Licenses for sale on trains and airplanes

SEC. 3. Section 23326 of said code is amended to read:

23326. Off-sale general licensees shall at the end of each fiscal year, at such time and in such manner as the department may prescribe, file a report containing either an affidavit that the gross retail sales of distilled spirits for the fiscal year were less than twenty thousand dollars ($20,000) or a statement that such sales were twenty thousand dollars ($20,000) or over for such fiscal year. If any report shows that the total amount of distilled spirits sold during the year exceeds the amount permitted annually by the license fee already paid the department, the licensee shall accompany the report with such additional license fee as may be unpaid in accordance with the schedule provided in Section 23320. If any off-sale general licensee for any reason quits business, he shall within 15 days after the date of quitting business make a final report and payment of any additional license fee disclosed by his report or by an investigation by the department to be unpaid.

Off-sale general licensee's report

SEC. 4. Section 23333 is added to said code, to read:

23333. The amendment of Section 23326 of the Business and Professions Code made by the act adding this section shall not affect the obligation of any off-sale general licensee to make any report with respect to sales of alcoholic beverages made prior to July 1, 1955, required by said code prior to the effective date of this section, nor the power of the Department of Alcoholic Beverage Control to follow the procedure prescribed in Sections 23328 to 23332, inclusive, of the Business and Professions Code with respect to such sales or reports, and the provisions of Section 23326 as it existed immediately prior to the effective date of this section shall remain in effect as to such sales and reports.

Effect of amendment

SEC. 7. Section 23430 of said code is amended to read:

23430. The department may issue one club license to any club as defined in this article.

Club license

SEC. 8. Section 23452 of said code is amended to read:

23452. The department may issue one veterans' club license to any post, chapter, camp or other local unit described in Section 23451 for the establishment, if otherwise satisfactory, where the post, chapter, camp, or other local unit maintains its club.

Veterans' club license

SEC. 9. Section 25761 of said code is amended to read:

Disposition of taxes and fees

25761. All money collected as license fees and under the excise tax provisions of this division shall be deposited in the State Treasury to the credit of the Alcohol Beverage Control Fund, which fund is continued in existence.

The money in the Alcohol Beverage Control Fund is appropriated as follows:

(a) All money collected from fees, except an amount equal to the amount by which the revenue produced by the rate of fees fixed by statute and board rule and in effect on and after July 1, 1954, and as thereafter modified, exceeds the revenue which would be produced by the rate of fees fixed by statute and board rule and in effect immediately prior to that date, and except amounts deposited in the fund pursuant to Section 23959, shall be paid semiannually to the counties, cities and counties, and cities of this State in the proportion that the amount of the fees collected in the particular county, city and county, or city bears to the total amount collected throughout the State. The Controller shall, during the months of April and October of the year, draw his warrants upon the fund in favor of the treasurer of each county, city and county, and city for the amount to which each is entitled under this section.

(b) Such amount as is necessary for the allowance of the refunds provided for in this division.

(c) Any remaining balance shall be transferred to the General Fund on the order of the Controller.

(d) For the purposes of this section, 10 percent of each fee for an off-sale general license due and payable on and after July 1, 1955, shall be deemed to be the amount by which the revenue produced by such fee exceeds the revenue which would be produced by the rate of such fee fixed by statute and board rule and in effect immediately prior to July 1, 1954.

Tax levy

SEC. 10. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect, but the change in fees made by Section 1 of this act shall be applicable only to fees due and payable on and after July 1, 1955, and the provisions hereof with respect to licenses for airplanes and air common carriers shall not become operative until September 7, 1955.

Operative dates

SEC. 11. Sections 4 and 6 of Assembly Bill 3737 of the 1955 Regular Session of the Legislature, if said bill is enacted into law, shall not become operative until July 1, 1955, notwithstanding the provisions of Section 17 of said bill; and the provisions of Sections 4 and 6 of said bill with respect to licenses for airplanes and air common carriers shall not become operative until September 7, 1955.

CHAPTER 1222

An act to add Section 20335.1 to the Government Code, relating to the retirement rights of teachers in the Public School System and state colleges.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 20335.1 is added to the Government Code, to read:

20335.1. Any person who pursuant to Section 20335 of the Government Code has heretofore filed for exclusion from this system, shall have the right to elect to become a member of this system as of the date he was first excluded from this system because of such election. He shall have the right to exercise this election not later than 90 days after the date upon which notice of said right and statement of contributions due is mailed by this system to the member's latest address on file in the office of this system. If he exercises this election:

(a) He shall make the contributions he would have made had he not been so excluded, plus an amount equal to the interest, to the date or dates of his payment, which would have been credited to those contributions had he not been so excluded. Such contributions and interest shall be paid to this system at times, in amounts, and in a manner fixed by the board.

(b) He shall receive credit for prior service in the same manner as if he had not been excluded, and

(c) His rate of contribution shall be determined in the same manner as if he had not been excluded.

CHAPTER 1223

An act to add Section 19334 to the Government Code, relating to leaves of absence for state employees.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 19334 is added to the Government Code, to read:

19334. An appointing power may grant a leave of absence of at least six months without pay, to any employee under his jurisdiction who becomes pregnant. If such a leave is refused, upon request of the employee at any time within six months

after she separates from employment, her name shall be placed upon the reemployment list for the classification of the position which she held.

CHAPTER 1224

An act to amend Section 5005 of the Elections Code, relating to election campaigns.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 5005 of the Elections Code is amended to read:

5005. Every person is guilty of a misdemeanor who writes or causes to be written, printed, posted, or distributed, any circular, pamphlet, letter, or poster which is designed to injure or defeat any candidate for nomination or election to any public office by reflecting upon his personal character or political action, unless there appears upon the circular, pamphlet, letter, or poster, in a conspicuous place, the name and address of the printer thereof, and either:

(a) The name of the chairman and secretary or the names of two officers at least of the political or other organization issuing it.

(b) The name and residence, with the street and number thereof, if any, of some voter of this State, who is responsible therefor.

CHAPTER 1225

An act to amend Section 69606 of the Government Code, relating to the Superior Court of the County of Ventura.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 69606 of the Government Code is amended to read:

69606. In the County of Ventura there shall be three judges of the superior court.

CHAPTER 1226

An act to amend Section 1523.5 of, and to add Section 1523.6 to, the Welfare and Institutions Code, relating to aid to needy children.

[Approved by Governor June 22, 1955 Filed with Secretary of State June 23, 1955]

In effect September 7, 1955

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

SECTION 1. Section 1523.5 of the Welfare and Institutions Code is amended to read:

Vocational rehabilitation of parent

1523.5. Any child who is otherwise qualified to receive aid under this chapter may be disqualified from receiving such aid for so long as the parent of the child refuses to accept vocational rehabilitative training necessary to improve or restore his capacity to support himself and his dependents, or fails to cooperate to the best of his ability in order to render himself more fully capable of supporting himself and his dependents.

The county may refer the incapacitated parent of a needy child to the Bureau of Vocational Rehabilitation of the State Department of Education to determine the feasibility of rehabilitation of such person. The State Department of Social Welfare and the State Department of Education shall jointly develop plans for the orderly processing of such cases. Priority shall be given to cases for which rehabilitation is determined to be most feasible.

For the purpose of this chapter the value of such tools and equipment as may be necessary to implement the rehabilitation program undertaken for such parents shall not be included in the personal property qualification for aid established in Section 1521.

Nothing in this section shall be construed to prevent the State Department of Social Welfare and the State Department of Education from determining the types of cases for which vocational rehabilitation is not feasible and for which referral is unnecessary.

SEC. 2. Section 1523.6 is added to said code, to read:

Reasonable employment for parent

1523.6. Any child may be disqualified to receive aid for so long as the parent of the child refuses to accept reasonable employment or fails to cooperate to the best of his ability with plans designed to render him more fully capable of supporting himself and his dependents.

Each county shall, in administering aid under this chapter, make a determination as to the competence, physical ability and availability of each parent to engage in remunerative work

and shall require those parents, where it is deemed feasible, to register for employment at the nearest office of the State Department of Employment.

The State Department of Social Welfare and the State Department of Employment shall jointly develop plans for the orderly processing and placement of such cases. Priority shall be given to those cases with the maximum availability and ability to work.

Nothing in this section shall be construed to prevent the State Department of Social Welfare and the State Department of Employment from jointly setting forth the types of cases and conditions for which employment is not reasonable and for which referral to the Department of Employment is unnecessary.

CHAPTER 1227

An act to amend Sections 18523, 18527, 18529, 18530, 18545, 18653, 18804, 18906, and 18953 of the Government Code, relating to the state civil service.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 18523 of the Government Code is amended to read:

"Class"

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 position allocated to the class and that substantially the same tests of fitness may be used and that substantially the same minimum qualifications may be required and that the same schedule of compensation may be made to apply with equity.

SEC. 2. Section 18527 of the Government Code is amended to read:

"Probation" "Probationary status"

18527. "Probationer" means an employee who has probationary status. "Probationary status" means the status of an employee who has been certified and appointed from an employment list, or has been reinstated after resignation, or has been transferred or demoted but who has not completed the probationary period provided in this part and by board rule.

SEC. 3. Section 18529 of the Government Code is amended to read:

"Temporary employee" "Temporary appointment"

18529. "Temporary employee" means an employee holding a position under temporary appointment. "Temporary appointment" means an appointment made in the absence of any appropriate employment list permitted by Section 6, Article XXIV of the Constitution.

SEC. 4. Section 18530 of the Government Code is amended to read:

18530. "Limited term employee" means an employee whose appointment as a result of reinstatement or certification from an employment list shall not exceed the probationary period for the class to which he is appointed. "Limited term employee"

SEC. 5. Section 18545 of the Government Code is amended to read:

18545. "Duration examination" means an open competitive examination, or promotional examination, held for the express purpose of providing a list of persons available for duration employment. Employment lists resulting from duration examinations can be used only in making appointments for duration employment. "Duration examination"

SEC. 6. Section 18804 of the Government Code is amended to read:

18804. Upon the reallocation of a position, other than by action of the board under Section 18802, the incumbent of the position shall not thereby gain status in the new class. Change in status of the incumbent may be accomplished only in accordance with the appropriate sections of this part and board rules relating to layoff, transfer, demotion or promotion. Effect of reallocation

SEC. 7. Section 18906 of the Government Code is amended to read:

18906. Any name, after a period of five consecutive years, shall be removed from the re-employment lists for the class unless the period is extended by action of the board. Removal of names

SEC. 8. Section 18953 of the Government Code is amended to read:

18953. The board may prescribe conditions under which state employees, and persons whose names are on appropriate re-employment lists may be permitted to compete in promotional examinations and to attain eligibility for appointment. Conditions re promotional examinations

SEC. 9. Section 18653 of the Government Code is amended to read:

18653. The board shall meet in Sacramento as often as the needs of the public service may require and in such other places as it may designate. Board meetings shall be open to the public, and any interested person shall be given reasonable opportunity to be heard. A majority of the members of the board constitutes a quorum. The vote of three concurring members shall be required to make any action of the board effective. The board shall keep minutes of its own proceedings and record its official actions. Such minutes and records shall be open to public inspection, subject to reasonable regulations. Meetings

CHAPTER 1228

An act to amend Section 18950 of the Government Code, relating to promotional examinations in the state civil service.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 18950 of the Government Code is amended to read:

18950. Vacancies in positions shall be filled insofar as possible and consistent with the best interests of the State from among employees holding positions in appropriate classes, and appropriate promotional lists shall be established to facilitate this purpose.

The board may prescribe conditions under which persons whose names are on appropriate re-employment lists may be permitted to compete in promotional examination and to attain eligibility for appointment.

The board may further prescribe conditions under which eligibility may be transferred from one subdivisional or departmental promotional list to another subdivisional or departmental promotional list or either when such lists are for the same class and have been established as a result of the same examination.

CHAPTER 1229

An act to repeal Section 1252.1 of the Code of Civil Procedure, relating to the payment of taxes from condemnation awards.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 1252.1 of the Code of Civil Procedure is repealed.

CHAPTER 1230

An act to amend the chapter heading of Chapter 1 of Title 11a of Part 3 of, to amend Sections 1731, 1732, 1740, 1744, 1745, 1746, 1760, 1762, 1769, 1770, 1771, and 1772 of, to amend the article heading of Article 2 of Chapter 1 of Title 11a of Part 3 of, to repeal Section 1747 of, and to add Section 1747 to, the Code of Civil Procedure, relating to conciliation proceedings.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. The chapter heading of Chapter 1 of Title 11a of Part 3 of the Code of Civil Procedure is amended to read:

CHAPTER 1. CONCILIATION COURT LAW

SEC. 2. Section 1731 of said code is amended to read:

Short title

1731. This chapter may be cited as the Conciliation Court Law.

SEC. 3. Section 1732 of said code is amended to read:

Definitions

1732. As used in this chapter "shall" is mandatory and "may" is permissive.

SEC. 4. The article heading of Article 2 of Chapter 1 of Title 11a of Part 3 of said code is amended to read:

Article 2. Conciliation Courts

SEC. 5. Section 1740 of said code is amended to read:

"Conciliation court"

1740. Each superior court shall exercise the jurisdiction conferred by this chapter, and while sitting in the exercise of such jurisdiction shall be known and referred to as the "conciliation court."

SEC. 6. Section 1744 of said code is amended to read:

Court assistants in Los Angeles County

1744. In each county having a population of 2,000,000 inhabitants or more, the superior court may appoint the following persons to assist the conciliation court in disposing of its business:

(a) One conciliation commissioner, who shall have the powers of a commissioner specified under Section 259a of the Code of Civil Procedure, and shall receive a salary of nine thousand dollars ($9,000) per annum.

(b) The following persons, each at a monthly salary of:

Title of position	Number of positions	First step	Second step	Third step
Senior counselor of conciliation	1	$575	$608	$641
Counselor of conciliation	2	516	545	575
Transcriber-typist	1	273	288	303
Judicial secretary	1	319	337	355

The position of conciliation commissioner authorized by this section is a new position and any appointment to such position shall be made by majority vote of the judges of the superior court of the county from an eligible list to be established in accordance with the court rules of such county. The position of commissioner, which was also known as director of conciliation is redenominated as senior counselor of conciliation. All appointments authorized in this section 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 2,000,000 inhabitants or more. 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 and expenses provided for in this section shall be paid in monthly installments out of the fund of the county from which salaries and expenses of county officers generally are paid, and shall be audited and allowed in the same manner as other salary and expense demands against the county.

Persons employed in the positions authorized by subsection (b) of this section shall be entitled to the same vacation benefits, sick leave benefits, holiday benefits, and other leaves of absence as are granted to employees of said county. Such benefits granted shall also include the same lump sum payments for sick leave and vacation for said superior court employees when they are separated from the service as are made to county employees of said county.

The salaries provided for in this section for employees on the three-step plan shall be paid as provided in Section 69899.5 of the Government Code. The incumbent of a position for which a three-step salary schedule is provided, shall, commencing on the effective date of this section, be entitled to be paid at the third step of the salary schedule applicable to the position held by him.

SEC. 7. Section 1745 of said code is amended to read:

Duties of commissioner of conciliation

1745. The commissioner of conciliation shall:

(a) For the purposes of this chapter, exercise all the powers and perform all the duties of other court commissioners in counties having a population of 900,000 inhabitants or more.

(b) Hold conciliation conferences with parties to, and hearings in, proceedings under this chapter, and make recommendations concerning such proceedings to the judge of the conciliation court.

(c) Provide such supervision in connection with the exercise of its jurisdiction as the judge of the conciliation court may order.

(d) Cause such reports to be made, such statistics to be compiled, and such records to be kept as the judge of the conciliation court may direct.

SEC. 8. Section 1746 of said code is amended to read:

Duties of probation officers

1746. The probation officer in every county shall give such assistance to the conciliation court as the court may request to carry out the purposes of this chapter, and to that end the probation officer shall, upon request, make investigations and reports as requested, and in cases pursuant to this chapter, shall exercise all the powers and perform all the duties granted or imposed by the laws of this State relating to probation or to probation officers.

Repeal

SEC. 9. Section 1747 of said code is repealed.

SEC. 10. Section 1747 is added to said code, to read:

Proceedings to be private

1747. Notwithstanding the provisions of Section 124 of the Code of Civil Procedure, all superior court hearings or conferences in proceedings under this chapter shall be held in private and the court shall exclude all persons except the officers of the court, the parties, their counsel and witnesses. Conferences may be held with each party and his counsel separately and in the discretion of the judge, commissioner or counselor conducting the conference or hearing, counsel for one party may be excluded when the adverse party is present. All communications, verbal or written, from parties to the judge, commissioner or counselor in a proceeding under this chapter shall be deemed made to such officer in official confidence within the meaning of subdivision 5, Section 1881 of the Code of Civil Procedure.

Closed files

The files of the conciliation court shall be closed. The petition, supporting affidavit, reconciliation agreement and any court order made in the matter may be opened to inspection by any party or his counsel upon the written authority of the judge of the conciliation court.

SEC. 11. Section 1760 of said code is amended to read:

Jurisdiction of court

1760. Whenever any controversy exists between spouses which may, unless a reconciliation is achieved, result in the dissolution or annulment of the marriage or in the disruption of the household, and there is any minor child of the spouses or of either of them whose welfare might be affected thereby, the conciliation court shall have jurisdiction over the controversy, and over the parties thereto and all persons having any relation to the controversy as further provided in this chapter.

SEC. 12. Section 1762 of said code is amended to read:

Caption of petition

1762. The petition shall be captioned substantially as follows:

In the Superior Court of the State of California
in and for the County of _____

Upon the petition of _____ (Petitioner) And concerning _____ and _____, Respondents	Petition for Conciliation (Under the Conciliation Court Law)

To the Conciliation Court:

SEC. 13. Section 1769 of said code is amended to read:

Court orders

1769. At or after hearing, the court may make such orders in respect to the conduct of the spouses and the subject matter of the controversy as the court deems necessary to preserve the marriage or to implement the reconciliation of the spouses, but in no event shall such orders be effective for more than 30 days from the hearing of the petition, unless the parties mutually consent to a continuation of such time.

Reconciliation agreement

Any reconciliation agreement between the parties may be reduced to writing and, with the consent of the parties, a court order may be made requiring the parties to comply fully therewith.

SEC. 14. Section 1770 of said code is amended to read:

Action for divorce, etc

1770. During a period of 30 days after the hearing of the petition for conciliation, neither spouse shall file any action for divorce, annulment of marriage, or separate maintenance.

If, however, after the expiration of such period, the controversy between the spouses has not been terminated, either spouse may institute proceedings for divorce, annulment of marriage, or separate maintenance. The pendency of a divorce, annulment, or separate maintenance action shall not operate as a bar to the instituting of proceedings for conciliation under this chapter.

SEC. 15. Section 1771 of said code is amended to read:

Transfer of divorce actions, etc Minor child

1771. Whenever any action for divorce, annulment of marriage, or separate maintenance is filed in the superior court, and it appears to the court at any time during the pendency of the action that there is any minor child of the spouses or of either of them whose welfare may be adversely affected by the dissolution or annulment of the marriage or the disruption of the household, and that there appears to be some reasonable possibility of a reconciliation being effected, the case may be transferred to the conciliation court for proceedings for reconciliation of the spouses or amicable settlement of issues in controversy, in accordance with the provisions of this chapter.

SEC. 16. Section 1772 of said code is amended to read:

Same No minor child

1772. Whenever application is made to the conciliation court for conciliation proceedings in respect to a controversy

between spouses, or a contested action for divorce, annulment, or separate maintenance, but there is no minor child whose welfare may be affected by the results of the controversy, and it appears to the court that reconciliation of the spouses or amicable adjustment of the controversy can probably be achieved, and that the work of the court in cases involving children will not be seriously impeded by acceptance of the case, the court may accept and dispose of the case in the same manner as similar cases involving the welfare of children are disposed of. In the event of such application and acceptance, the court shall have the same jurisdiction over the controversy and the parties thereto or having any relation thereto that it has under this chapter in similar cases involving the welfare of children.

CHAPTER 1231

An act to add Section 17329 to the Revenue and Taxation Code, relating to redemptions of corporate stock to pay death taxes, to take effect immediately.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.] In effect immediately

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

SECTION 1. Section 17329 is added to the Revenue and Taxation Code, to read:

17329. (a) A distribution of property to a shareholder by a corporation in redemption of part or all of the stock of such a corporation which (for federal estate tax purposes) is included in determining the gross estate of a decedent, to the extent that the amount of such distribution does not exceed the sum of Corporate stock redemptions to pay death taxes

(1) The estate, inheritance, legacy and succession taxes (including any interest collected as a part of such taxes) imposed because of such decedent's death, and

(2) The amount of funeral and administration expenses allowable as deductions to the estate under Section 2053 of the Internal Revenue Code of 1954

shall be treated as a distribution in full payment in exchange for the stock so redeemed.

(b) (1) Subsection (a) shall apply only to amounts distributed after the death of the decedent and

(A) Within the period of limitations provided in Section 6501(a) of the Internal Revenue Code of 1954 for the assessment of the federal estate tax (determined without the application of any provision other than Section 6501(a)), or within 90 days after the expiration of such period, or

(B) If a petition for redetermination of a deficiency in such estate tax has been filed with the Tax Court of the United States within the time prescribed in Section 6213 of the Internal Revenue Code of 1954, at any time before the expiration of 60 days after the decision of the tax court becomes final.

(2) (A) Subsection (a) shall apply to a distribution by a corporation only if the value (for federal estate tax purposes) of all of the stock of such corporation which is included in determining the value of the decedent's gross estate is either

(i) More than 35 percent of the value of the gross estate of such decedent, or

(ii) More than 50 percent of the taxable estate of such decedent.

(B) For purposes of the 35 percent and 50 percent requirements of subparagraph (A), stock of two or more corporations, with respect to each of which there is included in determining the value of the decedent's gross estate more than 75 percent in value of the outstanding stock, shall be treated as the stock of a single corporation. For the purpose of the 75 percent requirement of the preceding sentence, stock which, at the decedent's death, represents the surviving spouse's interest in property held by the decedent and the surviving spouse as community property shall be treated as having been included in determining the value of the decedent's gross estate.

(c) If (i) a shareholder owns stock of a corporation (referred to in this subsection as "new stock"), the basis of which is determined by reference to the basis of stock of a corporation (referred to in this subsection as "old stock"), (ii) the old stock was included (for federal estate tax purposes) in determining the gross estate of a decedent, and (iii) subsection (a) would apply to a distribution of property to such shareholder in redemption of the old stock, then, subject to the limitation specified in subsection (b) (1), subsection (a) shall apply in respect of a distribution in redemption of the new stock.

Applicable date

SEC. 2. The amendments made by this act are applicable in the computation of taxes for taxable years ending after December 31, 1954.

Tax levy

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

Effect Stats. 1955, Ch. 939

SEC. 4. Section 1 of this act becomes operative only if Senate Bill No. 259 of the 1955 Regular Session is enacted by the Legislature at that session, and in such case at the same time as said bill takes effect.

CHAPTER 1232

An act to add Division 17 to the Water Code, relating to county drainage districts.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Division 17 is added to the Water Code, to read:

DIVISION 17. DRAINAGE

PART 1. COUNTY DRAINAGE DISTRICTS

CHAPTER 1. GENERAL PROVISIONS

Short title

56000. This part shall be known and cited as the "County Drainage District Act."

"District"

56001. "District" as used in this part means any county drainage district formed pursuant to this part or pursuant to any law which it supersedes.

"District board"

56002. "District board" as used in this part means the board of directors of a district.

Authority to form, etc

56003. Districts may be formed, maintained and governed in any county as provided in this part.

CHAPTER 2. FORMATION

Petition

56010. Proceedings for the formation of a county drainage district shall be instituted by the board of supervisors of a county when a petition requesting the institution of such proceedings and signed by the requisite number of owners of real property is filed with the board. The petition may consist of any number of separate instruments, each of which must comply with all of the requirements of a petition except as to the number of signatures.

Content of petition

56011. A petition requesting the institution of proceedings for the formation of a county drainage district shall:

(a) Request the board of supervisors of a county in which the district will be located to institute proceedings to form a county drainage district pursuant to this part;

(b) Describe the boundaries of the territory which is proposed for the district;

(c) Be signed by not less than 100 owners of real property within the proposed district unless the total number of owners of real property within the proposed district does not exceed 200, in which case the petition shall be signed by a majority of such owners. If the board of supervisors finds that the petition is signed by the requisite number of owners of real property residing within the territory to be included within the proposed district, that finding shall be final and conclusive.

Resolution of intention
Contents

56012. Proceedings for the formation of a county drainage district shall be instituted by the board of supervisors by the adoption of a resolution of its intention to do so. The resolution shall contain all of the following:

(a) A statement of the intention to form the district;

(b) The boundaries of the proposed district or some other designation of its territorial extent;

(c) The name of the proposed district;

(d) The time and place where objections to the formation of the district or to its extent will be heard;

(e) Instructions to the clerk of the board to publish the resolution and notices of hearing.

Territory includible

56013. The district as formed may include unincorporated or incorporated and contiguous unincorporated territory. The incorporated territory included in the district may include the whole or part of one or more cities. However, the whole or part of a city shall not be included in a district except by the vote of a majority of the governing board of the city. The district shall not include the whole or any part of any other district formed for similar purposes unless the governing body of such other district shall consent thereto and the board of supervisors shall find and determine by resolution duly adopted that the proposed inclusion of the whole or part of such other district is in the best public interest and the territory affected will be benefited thereby.

Time and place of hearing

56014. The time to be fixed for the hearing of objections to the formation or extent of the district shall be not less than 30 days after the adoption of the resolution of intention to form the district by the board of supervisors. The hearing shall be held at the regular meeting place of the board of supervisors or at some place within the proposed district as specified by the board in the resolution of intention to form the district.

Publication

56015. Prior to the time of hearing, the resolution shall be published at length twice in at least one newspaper of general circulation in the proposed district and brief notices of the passage of the resolution and the time and place of the hearing may be published in one or more daily or weekly newspapers published and circulated in the proposed district.

Hearing

56016. At the time provided in the resolution of intention or at any time to which the hearing is continued, the board of supervisors shall hear any objections to the formation of the district or to its extent. At the hearing the board of supervisors shall exclude any territory that in its opinion will not be benefited by being in the district.

Written objection by 10 percent of voters

56017. If written objection to the formation of the district signed by 10 percent of the voters registered in the district is filed with the board of supervisors, it shall, and in any event it may, either adopt an order abandoning the formation of the district or order the matter of the formation of the district with the boundary lines determined at the close of the

hearing submitted to the voters of the proposed district at an election.

Election

56018. At the election only voters registered in the proposed district may vote. Election precincts shall be established by the board of supervisors, and precinct boards, composed of one inspector, one judge, and one clerk shall be appointed. At least one week prior to the election notice of the election shall be given by publication in a newspaper of general circulation in the proposed district. In other particulars the election shall be conducted in the manner ordered by the board of supervisors.

Order of formation

56019. At the conclusion of the hearing, or if an election is held and the canvass of the election returns shows that a majority of all the votes cast in the entire proposed district were in favor of the formation of the district, the board of supervisors may, if it deems best, make an order forming the district.

Same Contents and effect

56020. The order of formation shall contain the name of the district, and a description of the boundaries or otherwise indicate its territory The order is conclusive evidence of the regularity of all prior proceedings, except the adoption and publication in full of the resolution of intention and of the fact of the hearing.

CHAPTER 3. OFFICERS

Governing body Membership

56030. The governing body of a county drainage district is a board of directors of not less than five members.

If the district does not include a city or cities or any part thereof, the board of supervisors of the county is the board of directors of the district. If the district includes a city or cities or any part thereof, the members of the board of directors shall be as follows:

(a) The presiding officer of the governing body of each city is a member of the board of directors;

(b) The chairman of the board of supervisors is a member of the board of directors;

(c) A member of the governing body of each city included within the district, other than the presiding officer, as appointed by the governing body of the city is a member of the board of directors;

(d) Two members of the board of supervisors, other than the chairman of the board of supervisors, as appointed by the board of supervisors are members of the board of directors.

Compensation

56031. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his services for each meeting attended by him; provided, that said compensation shall not exceed ten dollars ($10) for each meeting of the district board attended by him, together with expenses necessarily incurred by him in traveling between his place of residence and the place of meeting. However, no member shall receive compensation for at-

tending more than three meetings of the board during any calendar month. The compensation herein mentioned shall be in addition to any other fees or compensation allowed by law for the other official positions mentioned in Section 56030 that are occupied by members of said district board.

CHAPTER 4. DISTRICT POWERS AND PURPOSES

Objects and purposes

56040. The objects and purposes of a county drainage district shall be to provide for:

(a) The control of storm and other waste waters of or within said district, including waters which arise outside said district and which flow or drain into or through the said district;

(b) The protection from damage by storm or waste waters of private property and of public highways and other public property within said district;

(c) The conservation of storm and waste waters for beneficial and useful purposes by spreading, storing, retaining or causing such waters, or any part thereof, to percolate into the soil within or without said district or the saving and conservation in any manner of any and all of such waters.

Powers

56041. A county drainage district shall have the power:

(a) To sue and be sued in its own name;

(b) To adopt a seal;

(c) To take by grant, purchase, gift, lease, devise or otherwise and to hold, use and enjoy real or personal property of every kind within or without the district necessary to or convenient for the full exercise of its powers;

(d) To exercise the power of eminent domain to the full extent necessary to or convenient for the full exercise of its powers and to carry out the provisions of this act; provided, that if the exercise of such power requires the alteration or relocation of any facilities devoted to a public use, the cost of such alteration or relocation shall be borne by the district;

(e) To make and accept all contracts, deeds, releases and documents of any kind which will be necessary or proper to the exercise of any of the powers of the district;

(f) To direct the payment of all lawful claims and demands against the district;

(g) To levy and collect taxes as hereinafter provided;

(h) To issue bonds as hereinafter provided and provide for their payment;

(i) To employ such engineers, experts, surveyors, counsel and other persons as are needed to carry into effect any powers of the district;

(j) To acquire, construct, complete, operate and maintain a surface or underground drainage system or systems or combination thereof and such ditches, drains, conduits, pipelines, system of ditches, drains, conduits or pipelines or combinations thereof as may be determined necessary to accomplish the objects and purposes of the district;

(k) Borrow money and incur indebtedness and guarantee the performance of its legal or contractual obligations whether heretofore or hereafter incurred; and also refund or retire any public indebtedness or lien that may exist against the district or any property therein which shall have arisen out of the transaction of the affairs of the district;

(*l*) To sell, lease or otherwise dispose of any property of the district or any interest therein when it is no longer required for the purposes of the district or when its use may be permitted without interfering with its use by the district;

(m) To do any other act to accomplish the objects and purposes of the district.

CHAPTER 5. PRELIMINARY REPORT AND SURVEY

Preliminary survey and report

56050. Before constructing any project and before calling any election for the issuance of bonds as hereinafter provided, the district board shall by resolution employ one or more engineers to make a survey of the problems of the district concerning the protection of the lands within the district from storm, overflow or waste waters and especially with reference to the construction of a drainage system or systems. The resolution shall direct the engineer or engineers to prepare and file with the district board a report setting forth:

Contents of report

(a) A general description of the work proposed to be done to carry out the objects of the district;

(b) A general plan and general specifications of the work;

(c) A general description of the property proposed to be acquired or damaged in carrying out the work;

(d) A map showing the boundaries of the district and in general the location and extent of the work proposed to be done, property taken or damaged, and any other information useful to the understanding of the proposed work;

(e) An estimate of the cost of the proposed work including acquisition, engineer and construction costs.

Employment of surveyors, etc

56051. The engineer or engineers may, subject to the direction of the district board, employ such surveyors and others as may be necessary to prepare the report.

56052. When the engineer's report is filed, the district board shall examine it and may thereupon:

(a) Reject it and direct that a new report be prepared;

(b) Direct that changes be made in it; or

Hearing

(c) If it complies with the provisions of this chapter and is satisfactory to the district board, it shall fix a time and place for hearing objections to the report and to doing all or any of the work referred to in the report.

Notice

56053. Notice of the hearing shall be given by the district board by publishing the notice for at least five times in a daily, or twice in a weekly, newspaper circulated in the district, as the district board may direct. At the time and place so fixed, or at the time and place to which the hearing may be from

time to time continued, the board shall hear all objections. Said objections may be oral or in writing.

Findings

56054. At the conclusion of the hearing the district board shall either order the report changed to conform to some or all the objections made or shall approve and adopt the report as made. If changes in the report are ordered, a further hearing shall be had upon it as amended and further hearings shall be had until the district board approves and adopts the report.

Plans and specifications

56055. If the district board approves and adopts the report of the engineer or engineers, the board shall order the engineer or engineers to prepare precise plans and specifications for the work contained in said report. Said precise plans and specifications shall be in conformity with the general plans and specifications contained in said report as approved by the district board 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 general plans and specifications, which resolution shall contain a statement of the manner in which the modification is required or departure is to be made.

Manner of performing work

56056. Upon completion of the precise plans and specifications, the work or any portion of it may be done in any of the following ways as ordered by the district board:

(a) By purchasing the material and doing the work by day labor;

(b) By purchasing the material and letting a contract for the doing of the work;

(c) By purchasing only a portion or none of the material and letting a contract for furnishing the balance or all of the material and the doing of the work.

Bids

56057. Any contract for the doing of the work and furnishing any or all of the material shall be let to the lowest responsible bidder submitting a sealed bid in response to a notice calling for bids.

Notice calling for bids

56058. The notice shall be published once a week for at least two successive weeks in a newspaper circulated in the county and shall refer to precise plans and specifications covering the work to be done and materials, if any, to be furnished. If the material to be purchased costs over one thousand dollars ($1,000), and there is no purchasing agent, the material shall be purchased from the lowest responsible bidder.

Supervision of work

56059. The engineer or engineers employed by the district board to prepare the precise plans and specifications shall be directed by the district board to superintend the doing of the work contained in said precise plans and specifications.

Right of way

56060. A right of way in or across any public highway, street or property in the district is hereby granted to the district wherever the right of way is found by the district board to be necessary or convenient for the doing of any of the work; provided, that if the exercise of the rights herein granted require the alteration or relocation of any facilities

devoted to a public use, the district shall pay the cost of such alteration or relocation.

Alternate report

56061. Notwithstanding any other provision in this chapter to the contrary, in the event that prior to the formation of a district a report has been secured by the board of supervisors of the county in which the district is formed pursuant to the provisions of Section 4.2 of the Drainage District Improvement Act of 1919 concerning the protection of lands and other property within the district from storm or waste waters and containing substantially the same data and matter required by Section 56050 of this chapter, and if copies of said report are made available to the district board by the board of supervisors of such county, a new report need not be prepared by the district board under said Section 56050 and the hearing or hearings referred to in this chapter may be held on such report furnished by the board of supervisors of such county, and thereafter all of the provisions of this chapter shall be applicable to such report.

CHAPTER 6. BONDS

Bond election

56070. After the approval and adoption of an engineer's report and before ordering the engineer to prepare precise plans and specifications as provided in Chapter 5, the district board may submit to the voters of the district the proposition of incurring a bonded indebtedness to obtain funds with which to acquire the property and to do the work in whole or in part set forth in the report. For that purpose a special election shall be called by resolution.

Resolution

Contents of resolution

56071. 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 amount of the bonds proposed to be issued; provided, that the district shall not incur any indebtedness which exceeds fifteen percent (15%) of the assessed value of all taxable real property in the district.

(d) The number of years not to exceed which the whole of the bonds are to run.

(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 time specified in this chapter.

(f) The date of the election.

(g) The election precincts, polling places, and election officers.

Consolidation

56072. For the purposes of the bond election the district board may consolidate into one precinct several precincts established for general election purposes and describe the precinct by reference to the general election precincts.

Election board

56073. An election board consisting of one inspector, one judge, and one clerk shall be appointed by the district board for each precinct.

Eligible voters

56074. Only voters registered in the district are eligible to vote at the bond election.

Publication

56075. The resolution calling the election shall be published once a week for three successive weeks in a newspaper having a general circulation in the district and designated by the district board. No other notice of the election need be given.

Two-thirds vote

56076. If two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, bonds of the district for the amount stated in the resolution calling the election shall be issued and sold.

Validity of bonds

56077. The validity of the bonds after their issuance shall not be questioned in any court except upon the ground that the provisions of this chapter authorizing their issuance are unconstitutional, or that the required hearing regarding the formation of the district was not legally held or proper notice of it was not given.

Bonds: Form and contents

56078. The district board shall prescribe by resolution the form of the bonds, and interest coupons. The bonds shall be payable at such times 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. The term of bonds issued shall not exceed 40 years.

Denominations, interest, etc

56079. The bonds shall be issued in such denominations as the district 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). They shall be payable on the day and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 6 percent per annum, and shall, after the first year, be payable semiannually.

Signatures

56080. The bonds shall be signed by the chairman of the district board, and countersigned by the auditor of the district, and the seal of the district board shall be affixed. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor of the district. All such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed. The auditor of the district under this section shall be the county auditor of the county in which the district is formed.

Validity of signatures

56081. If any officer whose signature or countersignature appears on the bonds ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature shall be as valid as if he had remained in office until the delivery of the bonds.

Issuance and sale

56082. The board may issue and sell the bonds of the district at not less than par value, and the proceeds shall be placed in the treasury of the county. Before selling the bonds, or any

part thereof, the legislative body shall give notice not less than 10 days prior to the date of sale by publication in a newspaper of general circulation circulating in the district inviting sealed bids in such manner as the legislative body shall prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the 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.

Disposition of proceeds

All premiums and accrued interest received shall be paid into the fund to be used for the payment of principal and interest on the bonds and the remainder of the proceeds of the sale shall be paid into the construction fund of the district, and proper records of the transactions shall be placed upon the books of the treasurer.

Construction fund

56083. The construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling the bond election.

Payments from the construction fund shall be made upon the demands allowed by the district board, and prepared, presented and audited in the same manner as demands upon the funds of the county.

Transfer of moneys

56084. When the purposes and objects mentioned in the resolution calling the bond election have been accomplished, any moneys remaining in the construction fund shall be transferred to the fund to be used for the payment of principal and interest on the bonds.

Additional election

56085. If the proposition of issuing bonds submitted at a bond election fails to receive the requisite number of votes, the district board may, at the expiration of six months after that election, call or order another bond election, either for the same objects and purposes, or for any other object or purpose of the district.

Additional bonds

56086. If bonds have been issued by the district and the proceeds of the sale have been expended, and the district board by resolution passed by a vote of four-fifths of all its members determines that the public interest or necessity of the district demands the issuance of additional bonds for carrying out any of the objects of the district, the district board may again have a report made, and submit to the voters the question of issuing additional bonds in the same manner as for a first issue. All the provisions of this chapter for the issuance and sale of bonds, and for the expenditure of the proceeds, apply to the issuance of additional bonds.

Payment

56087. Bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the real property in the district, and all the real property in the district shall be and remain liable to be taxed for such payments. Said bonds and the interest thereon shall not be taxable in this State.

Issue of bonds defined

56088. (1) 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.

Divisions or series

(2) The board of directors of any district issuing any bonds heretofore or hereafter authorized 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 legislative body of the district separate and distinct from the time or times of payment of bonds of any other division or series of the same issue.

When bonds payable

56089. 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.

Special proceeding

56090. 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.

CHAPTER 7. APPLICATION OF OTHER STATUTES

Applicable laws

56100. The Improvement Act of 1911, the Street Opening Act of 1903 and the Improvement Bond Act of 1915 are applicable to county drainage districts formed under this part. After approving and adopting the engineer's report as provided in Chapter 5, the district board may order the work contained in the said report to be done in whole or in part pursuant to the provisions of the Improvement Act of 1911 or the Street Opening Act of 1903 or the Improvement Bond Act of 1915 and the costs thereof assessed upon the real property benefited, all in the manner provided by said Improvement Act of 1911, or the Street Opening Act of 1903, or the Improvement Bond Act of 1915.

Definitions

56101. In the application of those acts to proceedings under this part, the terms used in those acts shall have the following meanings:

(a) "City council" and "council" mean board.

(b) "City" and "municipality" mean district.

(c) "Clerk" and "city clerk" mean secretary.

(d) "Superintendent of streets," "street superintendent," and "city engineer" mean the engineer of the district, or any other person appointed to perform such duties.

(e) "Tax collector" means county tax collector.

(f) "Treasurer" and "city treasurer" mean any person or official who has charge of and makes payment of the funds of the district.

(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 and maintaining a sewer.

Powers and duties

56102. The powers and duties conferred by those acts and supplementary acts upon boards, officers, and agents of cities shall be exercised by the respective boards, officers, and agents of the district.

Recordation

56103. 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 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.

Nonapplicable laws

56104. Notwithstanding any other provision contained in the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 to the contrary, in the event the district board shall order the work contained in the report prepared by the district engineer pursuant to Chapter 5 to be done in whole or in part pursuant to the provisions of the Improvement Act of 1911 or the Street Opening Act of 1903 or the Improvement Bond Act of 1915, the provisions of the said Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not be applicable to such work if the district board so declared by resolution duly adopted by four-fifths vote after a finding that said work is necessary for the public welfare, which finding shall not be made by the district board if, prior to the conclusion of the hearing on said report as provided in Chapter 5, the owners of more than 20 percent of the total assessed value of the taxable property within the district file written protests against the doing of said work.

CHAPTER 8. FINANCE AND TAXATION

Written statement

56110. Annually, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is located is required by law to levy the amount of taxes required by law for county purposes, the dis-

trict board shall furnish to the board of supervisors a written statement of 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.

Tax levy

56111. The board of supervisors of the county shall annually, at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the district, based upon the last equalized assessment roll of the county sufficient to pay the interest on the bonds for that year and such portion of the principal as is to become due before the time for making the next general tax levy.

When written statement not furnished

56112. If the district board fails to furnish to the board of supervisors the written statement of the amount necessary, the board of supervisors of the county 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 time for making the next general tax levy, and shall levy and cause to be collected the necessary amount.

Collection of tax

56113. 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 treasury of the county to the credit of the district, and shall be used for the payment of the principal and interest upon the bonds, and for no other purpose.

Payment

56114. The principal and interest on the bonds shall be paid by the treasurer of the county in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county.

Cost of maintenance, etc

56115. In any year, at least 15 days before the first day of the month in which the board of supervisors of the county in which the district is located, is required by law to levy the amount of taxes required by law for county purposes, the district board may furnish to the board of supervisors a written statement of 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's powers, and the board of

Tax levy

supervisors of the county shall at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the district based upon the last equalized assessment roll of the county sufficient to pay the cost of maintaining, operating, extending, or repairing any work or improvements of the district and of defraying all other expenses incidental to the exercise of any of the dis-

Tax limit

trict's powers. The tax authorized by this section shall not exceed twenty-five cents ($0.25) for each one hundred dollars ($100) of assessed value on taxable real property in any one year.

Collection of tax

56116. The tax shall be levied and collected at the same time and in the same manner as the general tax levy for county purposes, and the revenue derived from the tax shall

be paid into the county treasury to the credit of the operating fund of the district, and the district board shall control and order its expenditure.

Payments from operating fund

56117. Payments from the operating fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon the funds of the county.

Cost of report, etc

56118. The cost of preparing the engineer's report, including the compensation paid engineers and other employees of the district, is a charge against the district and shall be paid from the first available funds of the district.

CHAPTER 9. ANNEXATION

Annexation

56130. Territory, whether incorporated or unincorporated, contiguous to a district, and not included in any other county drainage district or other district formed for similar purposes, may be annexed, if the board of supervisors finds and determines that the additional territory will be benefited by annexation.

Procedure

56131. For the purpose of annexing territory to a district the board of supervisors shall proceed in the same manner as for the formation of a district in the first instance; except that wherever it is required to set forth the boundaries of the proposed district there shall instead be set forth the boundaries of the territory proposed to be annexed, and wherever protests are called for or authorized or an election is to be held, the provisions relating thereto shall refer only to the territory proposed to be annexed.

Finding

The district board shall before such annexation is completed, by resolution, find and declare that the district will be benefited by the annexation of the territory and consent to its annexation.

Effect of annexation

56132. Whenever any territory is annexed to a district, it thereupon becomes a part of the district and is subject to all the liabilities and entitled to all the benefits of the district.

CHAPTER 10. DISSOLUTION

Dissolution

56140. A district having no bonded indebtedness may be dissolved upon the vote of a majority of its voters upon an election called by the district board upon that question. Before dissolution all legal indebtedness of the district shall first be paid and discharged.

Election

56141. The election on the question of dissolution shall be called and conducted in the same manner as other elections of the district, and the district board shall canvass the returns of the election within 30 days after the election.

Majority vote

56142. If a majority of the votes cast are in favor of dissolution of the district, the district board shall by resolution so find, and declare the district dissolved, and thereupon the district is dissolved.

Filing of certified copy

56143. A certified copy of the resolution shall, within 15 days after its adoption, be filed with the clerk of the board of supervisors of the county in which the district is situated.

Effect of dissolution

56144. Upon the dissolution of any district the property of the district lying within the corporate limits of any city vests absolutely in the city, and the property of the district lying without the corporate limits of any incorporated city vests absolutely in the county in which the district is situated.

Outstanding indebtedness

56145. If after the dissolution of the district it is found that through oversight or error there remains a legal indebtedness of the district, the board of supervisors of the county shall levy a tax upon the taxable real property within the boundaries of the district as it existed at the time of dissolution, sufficient to meet the indebtedness and interest thereon, if any, and pay it.

Transfer of funds

56146. Any funds belonging to the district at the time of dissolution shall be transferred to the cities and the county, as the case may be, in proportion to the assessed valuation of the taxable real property in the cities and county respectively, as it appears on the last equalized assessment roll of the county prior to the dissolution.

CHAPTER 1233

An act to add Article 8.5 to Chapter 3, Part 3, Division 12 of the Health and Safety Code, relating to the transfer of territory from one fire protection district in one or more counties to another such district.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Article 8.5 is added to Chapter 3, Part 3, Division 12 of the Health and Safety Code, to read:

Article 8.5. Transfer of Territory From One District to Another District

Transfer of territory

14751. Any portion of a district which will be benefited by its exclusion from one district and annexation to another district may be withdrawn from the district and annexed to another district pursuant to this article.

Petition

14752. Upon receipt of a petition signed by a majority of the members of the board of directors of each of the districts affected requesting the transfer of territory from one district and its annexation to another district on the ground that such territory will be benefited by the withdrawal from the first district and by its annexation to the second district and specifically describing the boundaries of the territory proposed

to be withdrawn, the board of supervisors which formed the district from which the territory is proposed to be withdrawn shall fix a time for hearing the petition.

Time for hearing

14753. The time for hearing shall be not less than 10 days nor more than 30 days after the filing of the petition with the board of supervisors.

Publication of notice

14754. The board of supervisors shall, at least one week prior to the time so fixed for hearing, publish a notice of the hearing by one insertion in a newspaper of general circulation published in the districts affected, or if there is no newspaper published in such districts, in a newspaper of general circulation published in the county in which the districts are located, and which the board of supervisors deems most likely to give notice to the landowners in the districts of the proposed withdrawal and annexation.

Posting of notice

14755. The notice shall also be posted in three public places within each of the districts, and also in three public places within the territory proposed to be withdrawn, at least one week prior to the time fixed for the hearing.

Mailing of notice

14756. The notice shall also be mailed by registered mail, at least one week prior to the time fixed for hearing, to all of the holders of title or evidence of title to lands lying within the territory proposed to be withdrawn as shown on the last equalized assessment roll of the county.

Who may appear

14757. Any person interested may appear at the hearing and object to the proposed withdrawal and annexation.

Limitation on transfer

14758. The board of supervisors shall not modify the boundaries of the territory proposed to be withdrawn as set forth in the petition in such a manner as to include therein any land that would be benefited by remaining in the district from which the territory is proposed to be withdrawn, nor shall the board exclude therefrom any land that would be benefited by withdrawal from such district.

Hearing

14758.5. At the time specified for the hearing, the board of supervisors shall hear the petition, and shall receive recommendations from the board of directors of the district from which the territory is proposed to be withdrawn regarding the payment of any outstanding indebtedness of such district and in equitable division between the portion proposed to be withdrawn and the remaining territory, of the real and personal property of such district, including any cash on hand and any uncollected taxes for the current fiscal year. The board of directors of such district shall also report to the board of supervisors on the location of all property owned by such district, the type and value of the personal property to be divided, and the fire protection needs of the districts affected. The board may adjourn the hearing from time to time.

Order

14759. Upon the final hearing of the petition, the board of supervisors shall either deny or grant the petition as originally presented, or in a modified form. If the board of supervisors grants the petition, it shall make an order describing

the exterior boundaries of the territory proposed to be withdrawn and annexed to the other district and make the order of annexation. The order shall also specify the arrangement of the indebtedness of the district from which the territory is withdrawn and make an equitable division of the property of such district.

CHAPTER 1234

An act to add Section 35201.5 to the Government Code, relating to annexation of territory to cities.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 35201.5 is added to the Government Code, to read:

35201.5. Pursuant to this article, a city may annex noncontiguous territory not exceeding 100 acres in area which lies in the same county as that in which the city is situated and which is owned by the city and used for a municipal purpose. If after the completion of such annexation, the city sells such territory or any part thereof, such territory or part thereof ceases to be a part of the city.

If territory is annexed pursuant to this section, the annexing city may not annex any territory not owned by it and not contiguous to it although such territory is contiguous to the territory annexed pursuant to this section.

CHAPTER 1235

An act to amend Section 726 of the Fish and Game Code, relating to surf perch.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 726 of the Fish and Game Code is amended to read:

726. North of a line drawn east and west through Point Arguello surf perch of the family Embiotocidae may not be sold or purchased between May 1st and July 15th. South of said line surf perch may not be sold or purchased unless they have been taken north of said line during the open season, and shipped south of the line and sold under such rules and regulations as the commission is hereby authorized to prescribe.

CHAPTER 1236

An act to add Section 2226 to the Welfare and Institutions Code, relating to property of applicants for or recipients of aid to the aged.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 2226 is added to the Welfare and Institutions Code, to read:

2226. The cost of hospitalization furnished by a county to a recipient of aid under this chapter shall not constitute a lien against any of the following named property or rights of such recipients, if such property or rights do not exceed five hundred dollars ($500) in value:

(a) Interment plots as defined in Section 7022 of the Health and Safety Code.

(b) Money placed in trust or insurance for funeral or interment expenses or similar purposes.

(c) Contract rights connected with any such property.

CHAPTER 1237

An act to amend Sections 21658 and 21830 of the Water Code, relating to irrigation districts.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 21658 of the Water Code is amended to read:

21658. Not less than 35 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.

Petition for additional candidates

The nomination papers and affidavits shall be substantially in the following form:

NOMINATION PAPER

Form

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 }
County of _____ } ss.

_____, 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 }
County of _____ } ss.

_____, 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

SEC. 2. Section 21830 of said code is amended to read:

Manner of nominations

21830. Nominations for candidates for any office to be filled at a recall election shall be made in the manner prescribed for nominations for candidates at general elections and shall be filed not less than 30 days before the election.

CHAPTER 1238

An act to amend Sections 7019 and 7021 of, and to repeal Sections 5502 and 11102 of the Elections Code, relating to election procedure.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 7019 of the Elections Code is amended to read:

7019. The tally list shall be in such form as may be prepared by the county clerk, clerk, or secretary of the body conducting the election. Tally list form

Each tally list shall contain:

(a) The name of each candidate being voted for, and the specific office for which each candidate is being voted. At primaries the offices shall be in the same order as on the ballot.

(b) Sufficient space to permit the tallying of the full vote cast for each candidate, and for and against each measure submitted.

(c) A certificate in substantially the following form: We hereby certify that the total number of votes received by each candidate for each office, (or the total number of votes cast for and against each measure) is that shown on the foregoing tally list.

Clerk	Inspector
Clerk	Judge
Clerk	Judge

SEC. 2. Section 7021 of said code is amended to read:

7021. As soon as all the votes are counted and the ballots sealed up the precinct board shall fill out on the tally lists in words and figures, the total number of votes recorded for each candidate and upon each measure. The final certificate shall be signed by a majority of the whole. Final certificate

SEC. 3. Sections 5502 and 11102 of said code are repealed Repeal

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CHAPTER 1239

An act to amend Section 69891.5 of the Government Code, relating to the compensation of superior court attaches.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 69891.5 of the Government Code is amended to read:

Sonoma County Superior Court attaches salaries

69891.5. In each county with a population of less than 104,000 and more than 103,000, as determined by the 1950 census, the monthly salaries of the stenographer or secretary to the judge of the superior court shall be three hundred fifty dollars ($350).

CHAPTER 1240

An act to amend Section 1512 of the Elections Code, relating to elections.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 1512 of the Elections Code is amended to read:

1512. The pamphlets shall be printed in two parts, separately paged. The first part, which shall consist of the arguments for and against the measures in the same order in which they are to appear upon the ballot, shall be printed in not less than eight-point type, shall be preceded by the numbers and ballot titles hereinafter provided for, and shall in each case be preceded by a reference, printed in blackface type, to the page on which begins the text of the measure as printed in the second part of the pamphlet.

CHAPTER 1241

An act to amend Section 6564 of the Health and Safety Code, relating to sanitary district elections.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 6564 of the Health and Safety Code is amended to read:

6564. The board may establish a convenient number of polling places.

CHAPTER 1242

An act to add Article 2.2 to Chapter 4, Title 7 of the Government Code, relating to the administration of precise plans and zoning regulations of counties, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect immediately

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

SECTION 1. Article 2.2 is added to Chapter 4 of Title 7 of the Government Code, to read:

Article 2.2. Adminstration of Precise Plans or Zoning Regulations of Counties

Board of zoning adjustment, etc

65890. This article provides an alternative procedure for the establishment and functioning of a board of zoning adjustment or the office of zoning administrator for the performance of administrative functions, powers and duties in the application and enforcement of precise plans and zoning regulations of counties.

Creation

65891. In each county there may be created a board of zoning adjustment and the office of zoning administrator.

Nomination, etc.

65892. The board of zoning adjustment, or a zoning administrator, shall be nominated by the county planning commission and appointed by the board of supervisors.

Membership

65893. The board of zoning adjustment shall consist of three members of the county planning commission whose terms of office shall be fixed by the board of supervisors. Any member of the board of zoning adjustment may be removed by a majority vote of the board of supervisors.

Declaration of need for board

65894. The board of zoning adjustment or the zoning administrator shall not exercise any of the powers authorized under this article until or unless the board of supervisors of the county in which it is situated, by ordinance, declares that there is need for such board of zoning adjustment or the zoning administrator to function in such county.

Hearing

65895. The board of supervisors at any time on its own motion may hold a public hearing to determine whether or not there is need for the board of zoning adjustment or zoning administrator to function. The board of supervisors shall give notice of the time and place of such public hearing by publication once in a newspaper of general circulation not less than 10 days before the date fixed for such hearing.

Resolution declaring need

65896. Upon adoption by the board of supervisors of a resolution declaring that there is need for a board of zoning adjustment, or a zoning administrator, to function, the board of zoning adjustment, or the zoning administrator, in that county shall in appropriate cases and subject to appropriate

conditions and safeguards as provided by the county zoning ordinance, hear and decide:

Powers of board

(a) Applications for special exception, conditional uses or other permits of any kind or nature;

(b) In specific cases, applications for variances from terms of the ordinance as will not be contrary to its intent or to the public interest, safety, health, and welfare, and where due to special conditions or exceptional characteristics of such property, or its location or surroundings, a literal enforcement of the ordinance would result in practical difficulties or unnecessary hardships;

(c) Hear and decide appeals where it is alleged by the appellant there is error in any order, requirement, permit, decision, or determination made by any county official, other than a member of the planning commission or board of supervisors, in the administration or enforcement of the precise plans or zoning regulations of the county.

Same

65897. The board of zoning adjustment or zoning administrator may also exercise such other powers as may be granted by local ordinance.

Rules of procedure

65898. The board of supervisors shall adopt and provide rules prescribing the form and scope of all petitions, applications and appeals to be heard and decided by the board of zoning adjustment or the zoning administrator. Such rules shall provide for a public hearing after due notice before any special exception, conditional uses or use permits, variances or adjustments may be granted.

Appeals

65899. Appeals to the board of supervisors may be taken by any property owner or other person aggrieved, or by any officer, department, board or commission of the county affected by any decision of the board of zoning adjustment or zoning administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the board of supervisors by filing with the clerk of the board of supervisors and with the board of zoning adjustment or zoning administrator, a notice of appeal specifying the grounds. The board of adjustments, or zoning administrator, shall forthwith transmit to the board of supervisors all of the papers constituting the record upon which the action appealed from was taken. The board of supervisors may sustain, modify, reject or overrule any decision of the board of zoning adjustment, or zoning administrator, and may make such findings and decision as are not inconsistent with the requirements of state law and local county ordinances.

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 concerning such necessity are:

The present law prohibiting appeals from the decisions of boards of zoning adjustment or zoning administrators has restricted the use of such boards causing a consequent burden-

some work load consisting of minor matters which has interfered with the usefulness of planning commissions and has caused such commissions to be delayed in their major purposes of preparing comprehensible master plans for counties. In order that a method of appealing from the decisions of boards of adjustment can be created and the work load of planning commissioner relieved and the preparation of master plans expedited, it is necessary that this act take effect immediately.

CHAPTER 1243

An act to amend Sections 10142, 10263 and 10514 of the Business and Professions Code, relative to delivery of contracts; and to add Sections 10182, 10306 and 10566 to the Business and Professions Code, relative to qualifying examinations.

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 10142 of the Business and Professions Code is amended to read:

Delivery of copies of agreements Real estate licensees

10142. When a licensee prepares or has prepared an agreement authorizing or employing such licensee to perform any of the acts for which he is required to hold a license, or when such licensee secures the signature of any person to any contract pertaining to such services or transaction, he shall deliver a copy of the agreement to the person signing it at the time the signature is obtained.

SEC. 2. Section 10263 of the Business and Professions Code is amended to read:

Business opportunity licensees

10263. When a licensee prepares or has prepared an agreement authorizing or employing such licensee to perform any of the acts for which he is required to hold a license, or when such licensee secures the signature of any person to any contract pertaining to such services or transaction, he shall deliver a copy of the agreement to the person signing it at the time the signature is obtained.

SEC. 3. Section 10514 of the Business and Professions Code is amended to read:

Mineral, oil and gas licensees

10514. When a licensee prepares or has prepared an agreement authorizing or employing such licensee to perform any of the acts for which he is required to hold a license, or when such licensee secures the signature of any person to any contract pertaining to such services or transaction, he shall deliver a copy of the agreement to the person signing it at the time the signature is obtained.

SEC. 4. Section 10182 is added to the Business and Professions Code, to read:

Reinstatement examination Real estate licensees

10182. As a condition to the reinstatement of a revoked or suspended license, the commissioner may require the applicant to take and pass a qualifying examination.

SEC. 5. Section 10306 is added to the Business and Professions Code, to read:

Business opportunity licensees

10306. As a condition to the reinstatement of a revoked or suspended license, the commissioner may require the applicant to take and pass a qualifying examination.

SEC. 6. Section 10566 is added to the Business and Professions Code, to read:

Mineral, oil and gas licensees

10566. As a condition to the reinstatement of a revoked or suspended license, the commissioner may require the applicant to take and pass a qualifying examination

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CHAPTER 1244

An act to amend Section 415 of the Education Code, relating to the salary of the county superintendent of schools of a county of the fifteenth class.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 415 of the Education Code is amended to read:

Tulare County Superintendent of Schools Salary

415. The annual salary of the county superintendent of schools of a county of the fifteenth class is nine thousand three hundred dollars ($9,300), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 1245

An act to amend Sections 1 and 6 of, and to add Section 15.5 to, Chapter 265 of the Statutes of 1937, the Storm Drain Maintenance District Act, relating to storm drain maintenance districts.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Section 1 of Chapter 265 of the Statutes of 1937 is amended to read:

Storm drain maintenance district Formation

Section 1. Whenever the maintenance of storm drain improvements or of other watercourses or drainage channels within a territory in which provision therefor is not otherwise made by law, will protect property or promote the welfare, health or safety of the residents therein, the board of super-

visors of the county in which said territory is located may create and govern a storm drain maintenance district comprising either unincorporated territory or both incorporated and unincorporated territory, as in this act provided. Such maintenance may include any or all of the following work: the cleaning, repairing, renewal, replacement, widening or straightening of existing storm drain structures, watercourses or drainage channels, and the installation of appurtenant structures when necessary for the adequate functioning of such drainage facilities. Said district may also construct additional storm drain channels or structures and maintain the same whenever necessary to provide proper and adequate drainage of the surface waters in the district.

Resolution of intention, notice, etc

The board of supervisors may by resolution declare its intention to form such territory into a storm drain maintenance district and thereupon shall fix a time and place for the hearing on the matter of such formation, which time shall be not less than 15 days or more than 60 days from the passage of said resolution, and shall direct the clerk of said board to publish a notice of such hearing, once a week for two successive weeks in a newspaper of general circulation, circulated in the territory which it is proposed to organize into such storm drain maintenance district, or if there is no newspaper circulated in said territory, then such publication shall be made in a newspaper of general circulation, circulated in the county in which said territory is located, which said board deems most likely to give notice to the inhabitants thereof, of the proposed formation of such district. The board shall also direct the clerk to cause said notice to be posted in three public places in said territory at least 10 days prior to the date set for such hearing. Said notice shall be headed "Notice of the proposed formation of storm drain maintenance district No. ____" (stating the number of the proposed district), which heading, in said notice as posted, shall be in letters of not less than one inch in height. Said notice as published and posted shall state the fact that the board of supervisors of said county has fixed the time and place (which shall be stated in said notice) for a hearing on the matter of the formation of a storm drain maintenance district. Said notice shall set forth the exterior boundaries of the territory which in the opinion of said board will be benefited, and which is proposed to be organized into a storm drain maintenance district.

The board shall also direct the clerk or assessor to mail notices of the proposed formation of said storm drain maintenance district to all persons owning real property proposed to be assessed, whose names and addresses appear on the last equalized county assessment roll for county taxes prior thereto, but mailing of such notices shall not be essential to obtaining jurisdiction by the board of supervisors, and the failure so to do shall not affect in any manner the validity of any proceeding taken hereunder.

Such notice shall contain a statement of the time, place and purpose of the hearing on the resolution, with a statement that any person interested may file objection as provided in this act, which notice shall be mailed at least ten (10) days prior to the date set for such hearing.

SEC. 2. Section 6 of said act is amended to read:

Engineer in charge of installation, etc.

Sec. 6. An engineer appointed by the board of supervisors shall be in charge of installation and maintenance, and shall, subject to the approval of the board of supervisors, do all things necessary for the proper functioning of the district. The compensation of any assistants or employees or the cost of any material necessary shall be payable out of the funds of the district. If, for any reason whatsoever, there be insufficient money in the district fund to pay the compensation of any such assistants or employees or the cost of any material, the county may advance the necessary funds for such purposes, and shall reimburse itself for moneys paid into said district fund. The board may appoint the county surveyor for this purpose.

SEC. 3. Section 15.5 is added to said act, to read:

Definitions

Sec. 15.5. The Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 are applicable to the district, and as applied to the district the following terms used in said acts shall mean:

a. "City council" and "council" mean the board of supervisors.

b. "City" and "municipality" mean the district.

c. "Clerk" and "city clerk" mean the county clerk.

d. "Superintendent of streets," "street superintendent" and "city engineer" mean the engineer of the district, or any person appointed to perform such duties.

e. "Tax collector" means county tax collector.

f. "Treasurer" and "city treasurer" mean county treasurer.

CHAPTER 1246

An act to add Part 4 to Division 24 of the Health and Safety Code, relating to the acquisition, operation, and disposition of temporary housing projects made available by the Federal Government to cities, counties, cities and counties, and housing authorities.

In effect September 7, 1955

[Approved by Governor June 22, 1955. Filed with Secretary of State June 23, 1955.]

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

SECTION 1. Part 4 is added to Division 24 of the Health and Safety Code, to read:

PART 4. TEMPORARY HOUSING PROJECTS LAW

CHAPTER 1. GENERAL PROVISIONS

Short title

35450. This part may be cited as the Temporary Housing Projects Law.

35451. The existing federal law contemplates the transfer of federally owned temporary housing projects to qualified public agencies without monetary consideration, except for payment for the costs of transfer and the land owned by the Federal Government in such projects.

Legislative declaration

In enacting this part, the Legislature hereby finds and declares that cities, counties, cities and counties, and housing authorities in California should be provided with standards and should have clear and explicit authority to accept the transfer, to operate and dispose of the housing consistent with conditions imposed on such transfers by federal law; and that the continued operation of such housing by cities, counties, cities and counties, and housing authorities in the State during the period of the present housing shortage is a public use and purpose for which public money may be spent and private property acquired and is a governmental function of state concern, and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination and of state-wide application.

Construction

35452. The definitions and general provisions contained in this chapter govern the construction of this part, unless the context otherwise requires.

"Governing body"

35453. "Governing body" means the city council in the case of a city and the board of supervisors in the case of a county.

"Area of operation"

35454. "Area of operation" means:

(a) In the case of a city, the area embracing the territory included in a city and area within five miles of its territorial boundaries. It does not include any area which lies in the territorial boundaries of another city unless the governing body of such other city has consented by resolution. It does not include any area which lies within the unincorporated area of any county for which a housing authority has been authorized to transact business pursuant to the Housing Authorities Law.

(b) In the case of a county, the area embracing all of the territory of the county. A county shall not own or operate a temporary housing project within the boundaries of a city unless a resolution is adopted by the governing body of such city declaring that there is a need for the county to exercise the powers granted by this part within such city.

(c) In the case of a housing authority, the area of operation prescribed for such housing authority by Sections 34208 and 34209.

"Temporary housing project"

35455. "Temporary housing project" means any federally owned temporary housing project or any part thereof in the

State of California or any such project after the ownership has been transferred to a city, county, or housing authority. It also includes all real and personal property, assets, cash or other funds held or used in connection with the acquisition, operation, or disposition of a temporary housing project.

CHAPTER 2. ACQUISITION AND OPERATION OF TEMPORARY HOUSING PROJECTS

Acquisition

35480. Any city, county, or housing authority may acquire through purchase or gift any federally owned temporary housing project within the area of operation of such city, county, or housing authority, and own, operate, maintain, and dispose of such project pursuant to this part.

Powers

35481. Every city, county, or housing authority shall have all the powers necessary or convenient to carry out the purposes and provisions of this part, including the powers granted by this part or by any other provision of law.

Transfer contracts, etc

35482. Within its area of operation and with reference to temporary housing projects, a city, county, or housing authority may contract for and accept the transfer of temporary housing projects or parts thereof from the Federal Government and operate the projects and provide for the improvements, reconstruction, alteration, repair or disposition of all or part of any existing project. This chapter does not authorize a city, county, or housing authority to construct additional dwelling units.

Limitation

Contracts for services, etc

35483. Within its area of operation and with reference to temporary housing projects, a city, county, or housing authority may arrange and contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for or in connection with its project and, notwithstanding anything to the contrary contained in this part or in any other provision of law, may include, in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum hours of labor, and comply with any conditions which may be attached to the transfer of the project from the Federal Government.

Specific powers

35484. Within its area of operation and with reference to temporary housing projects a city, county, or housing authority may:

(a) Lease or rent any dwellings, accommodations, lands, buildings, structures, or facilities embraced in any project, and subject to the preference provisions contained in this part or any conditions which may be imposed on the transfer of the project from the Federal Government with respect to the rental of dwellings in temporary housing projects, establish standards of eligibility for occupancy and revise the rents or charges therefor.

(b) Own, hold, and improve real or personal property.

(c) Purchase, lease, obtain options upon, acquire by gift, bequest, devise or otherwise, any real or personal property or any interest therein.

(d) Sell, lease, exchange, transfer, assign, purchase, or dispose of, any real or personal property or any interest therein.

(e) Insure or provide for the insurance of any real or personal property or operations of any projects against any risks or hazards.

(f) Employ such officers and employees, permanent and temporary, as may be required, determine their qualifications, duties and compensation, and delegate to one or more of them such powers or duties as may be necessary for the acquisition, operation, or disposition of any temporary housing project.

Agreement to federal conditions

35485. Within its area of operation and with reference to a temporary housing project, a city, county, or housing authority may agree to any conditions required by the Federal Government pursuant to federal law as a condition to the transfer of any federally owned temporary housing project or part thereof, but no such condition shall prevent the disposition either for public or private use of the interest in land so acquired.

Exercise of powers Authority

35486. Within its area of operation and with reference to a temporary housing project, a city, county, or housing authority may exercise all or any part or combination of powers granted in this part.

Same By resolution

35487. The exercise by a city, county, or housing authority of the powers herein granted may be authorized by resolution of the governing body of such city, county, or housing authority, adopted by a majority of the members of its governing body present at a meeting of such governing body, which resolution may be adopted at the meeting at which such resolution was introduced. Such a resolution shall be deemed to be administrative in character and shall take effect immediately and need not be laid over, published, or posted. After the effective date of this part, the exercise by a city or county of the powers herein granted shall be authorized by ordinance of the governing body of such city or county.

Joint exercise of powers

35488. Cities, counties, and housing authorities may join with one another in the exercise of any or all of the powers conferred hereby for the purpose of operating a temporary housing project located within the area of operation of any one or more of such cities, counties, or housing authorities. With the approval of the governing body of any city or county in which a housing authority has been authorized to operate, any housing authority in existence upon the effective date of this part may operate, as agent or under a lease, any temporary housing project owned by any such city or county.

State policy

35489. It is hereby declared to be the policy of this State that each city, county, or housing authority shall manage and operate its projects which are subject to the provisions of this part in an efficient manner and that it shall in any event establish the rentals or payments for dwelling accommodations at

rents which shall be ample to cover all costs of operation, maintenance, and disposition of such project, including amounts necessary for payments in lieu of taxes, the creation of reserves, and the payment of currently maturing installments of principal and interest on any indebtedness incurred in connection with the acquisition of land acquired for such project.

Reserves

35490. Each city, county, or housing authority shall establish reserves which it determines to be reasonable for the maintenance of the project and its eventual disposition.

Preference in occupancy

35491. In the selection of tenants for temporary housing projects subject to the provisions of this part, a city, county, or housing authority shall give preference in occupancy to families of distressed veterans and servicemen. Any city, county, or housing authority may agree to any conditions concerning preference in occupancy which may be imposed on the transfer of the project from the Federal Government.

Same: Military personnel, etc

35492. Notwithstanding the preferences required by this part, any city, county, or housing authority may agree to give preference in occupancy to military personnel and persons engaged in national defense or mobilization activities as the Secretary of Defense or his designee may prescribe.

Public property

35493. A temporary housing project is declared to be public property used for essential public and governmental purposes and is for a public use and purpose and involves a governmental function of state concern. As a matter of legislative determination, it is hereby found and declared that the properties involved in temporary housing projects are of such character and shall be exempt from taxation. In lieu of taxes on the property incorporated in a temporary housing project, a city, county, or housing authority may make such payments in lieu of taxes out of revenues of such temporary housing project to the taxing bodies, except that in no event shall such payments in lieu of taxes to any taxing body exceed in any year the amount which would be received by the taxing body in taxes from the temporary housing project if the temporary housing project were privately owned and subject to taxation.

In lieu payments

Limitation on project acquisition

35494. No housing authority may after the effective date of this part acquire pursuant to this part a temporary housing project.

CHAPTER 3. FINANCIAL PROVISIONS

Authority to issue notes

35520. A city, county, or housing authority may issue notes to the Federal Government, or any agency thereof, to finance the acquisition of real property involved in a temporary housing project and execute a mortgage or deed of trust secured by the property so acquired, and by the net revenue from the project before reserves.

Security limitation

The obligation of the city, county, or housing authority is limited to the security on the mortgage or deed of trust and is not secured by the taxing power of the city, county, or

housing authority. The general fund of such city, county, or housing authority is not liable for the payment of such notes or their interest.

No personal liability

35521. The members of the governing body of a city, county, or housing authority, or any person executing a note authorized by this part, shall not be liable personally on any such note by reason of the issuance thereof hereunder.

Notes tax exempt

35522. Notes of a city, county, or housing authority issued pursuant to this part are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes. No other act or law with regard to the authorization or issuance of notes of a city, county, or housing authority shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto.

CHAPTER 4. DISPOSITION OF TEMPORARY HOUSING PROJECTS

Disposition

35540. Any temporary housing project transferred by the Federal Government to any city, county, or housing authority may be disposed of in whole or in part by the city, county, or housing authority after the governing body of the city, county, or housing authority determines by resolution that the need for the operation of the housing, or any part thereof, pursuant to the provisions of this part, has passed.

Demolition

35541. Dwelling structures in any such temporary housing project shall not be disposed of for use as housing, but such dwelling structures shall be demolished and shall be demolished not later than one year after the ninety-first day after final adjournment of the 1961 General Session of the Legislature.

Conditions to disposition

35542. Any city, county, or housing authority may agree to any conditions concerning the eventual disposition of the structures which are attached to the transfer from the Federal Government if such conditions are not inconsistent with the provisions of this part.

Demolition by contract, etc

35543. In demolishing the dwelling structures in the manner required by this chapter, any city, county, or housing authority may employ its own forces, but if the dwelling structures are to be offered for sale and demolition by contract, the contract for such sale and demolition shall be executed only after advertising and the receipt of sealed bids. The award or awards shall be made to the responsible bidder or bidders submitting the best offers.

Land use

35544. After the disposition of the housing pursuant to the provisions of this part, any part of the land included in the project may thereafter be devoted to other authorized public uses of the city, county, or housing authority. If the city, county, or housing authority does not require the land for other public uses, the sale of the land either in its entirety or in suitable parcels shall be conducted under the laws of

the State controlling the sale of other lands of the city, county, or housing authority.

Disposition of proceeds

35545. Upon the disposition of the housing or the sale of all or part of the land included in the project, the proceeds derived from the operation of the temporary housing project and any such disposal or sale, after the payment of any expenses incident to the sale and the liquidation of any indebtedness outstanding in relation to the temporary housing project, shall be deposited in the general fund of such city, county, or housing authority. Any housing authority may agree, notwithstanding the provisions of any other law, with any city or county in which the temporary housing project is situated or any city for which the housing authority was established to pay to the city or county any part of the net proceeds derived from the operation and disposition of such temporary housing project.

CHAPTER 5. VALIDATION

Validation

35546. Every acquisition of, transfer to and contract for the acquisition of a temporary housing project or part thereof by a city, county, or housing authority from the Federal Government and the operation and disposal of such temporary housing project and the revenues therefrom by a city, county, or housing authority heretofore completed, executed, made or done which acquisition, transfer, contract for acquisition, operation or disposal of a temporary housing project conforms to the requirements of this part is hereby validated, confirmed, ratified and declared legally effective and all acts and proceedings heretofore taken by or on behalf of any city, county, or housing authority for such acquisition, contract for the acquisition, transfer of a temporary housing project or the operation or disposal of a temporary housing project and the revenues therefrom, are hereby confirmed, validated and declared legally effective. This shall include all acts and proceedings of the governing board of such city, county, or housing authority or of any person, public officer, board or agency heretofore done or taken in connection with acquisition, contract for acquisition, transfer or operation or disposal of such a temporary housing project and the revenues therefrom. This part shall be construed to supply such legislative authorization as might have been necessary to authorize such acquisition, contract for acquisition, transfer, operation or disposal of a temporary housing project and the revenues therefrom by a city, county, or housing authority.

Termination date

SEC. 2. The provisions of this act shall remain in effect until the ninety-first day after final adjournment of the 1961 General Session of the Legislature.

CHAPTER 1247

An act to amend Section 28125 of the Government Code, relating to compensation for public employment in counties of the twenty-fifth class.

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 28125 of the Government Code is amended to read:

28125. In a county of the twenty-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: Santa Cruz County officers Salaries

(a) The auditor, seven thousand dollars ($7,000) a year.

(b) The district attorney, eight thousand five hundred dollars ($8,500) a year. He shall not engage in the private practice of law.

(c) The chairman of the board of supervisors, four thousand dollars ($4,000) a year, and each other supervisor, three thousand five hundred dollars ($3,500) a year. Each supervisor shall also be furnished with necessary transportation while engaged in the business of the county. Whenever it is necessary for any supervisor to leave the county for the purpose of performing any of his duties, he shall be allowed his actual expenses

(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 actually and necessarily traveled from their residence to the county seat, in going only, to be allowed but once during each session the jurors are required to attend.

Any officer entitled to receive mileage for distances traveled by him in the discharge of his official duties shall receive mileage at the rate of five cents ($0.05) in a mile traveled.

The salaries and fees provided in this section are in full compensation for all services of every kind and description rendered by the officers named, either as officers or ex officio officers, their deputies and assistants. All fees, commissions, per diem, and expenses provided for by law, and all other money coming into the hands of the officers mentioned, no matter from what source derived or received, shall be the property of the county, and shall be paid into the county treasury by such officers at the same time and in the same manner that other money is required by law to be paid into the county treasury, except, that the district attorney is expressly exempted from this provision, and shall receive the salaries, fees, and commissions, provided by law.

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

CHAPTER 1248

An act to amend Section 10500 of the Water Code, relating to appropriation of water.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 10500 of the Water Code is amended to read:

10500. The Department of Finance shall make and file applications for any water which in its judgment is or may be required in the development and completion of the whole or any part of a general or coordinated plan looking toward the development, utilization, or conservation of the water resources of the State.

Any application filed pursuant to this part shall be made and filed pursuant to Part 2 of Division 2 of this code and the rules and regulations of the State Engineer relating to the appropriation of water insofar as applicable thereto.

Applications filed pursuant to this part shall have priority, as of the date of filing, over any application made and filed subsequent thereto. Until October 1, 1959, or such later date as may be prescribed by further legislative enactment, the statutory requirements of said Part 2 of Division 2 relating to diligence shall not apply to applications filed under this part, except as otherwise provided in Section 10504.

CHAPTER 1249

An act to amend Section 487 of the Penal Code, relating to grand theft.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 487 of the Penal Code is amended to read:

487. Grand theft is theft committed in any of the following cases:

1. When the money, labor or real or personal property taken is of a value exceeding two hundred dollars ($200); provided, that when domestic fowls, avocados, citrus or deciduous fruits, nuts and artichokes are taken of a value exceeding fifty dollars ($50); provided, further, that where the money, labor, real or personal property is taken by a servant, agent or employee from his principal or employer and aggregates two hundred dollars ($200) or more in any

12 consecutive month period, then the same shall constitute grand theft.

2. When the property is taken from the person of another.

3. When the property taken is an automobile, horse, mare, gelding, any bovine animal, any caprine animal, mule, jack, jenny, sheep, lamb, hog, sow, boar, gilt, barrow or pig.

CHAPTER 1250

An act to amend Section 5050 of, to add Sections 5050.1, 5062 and 5063 to, and to repeal Section 6046 of, the Insurance Code, relating to county mutual fire insurers.

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 5050 of the Insurance Code is amended to read:

County mutual fire insurers Incorporation

5050. Two hundred fifty (250) or more persons residing in one county of this State may incorporate for the purpose of forming a mutual fire insurer upon all such persons agreeing to:

(a) Secure fire insurance from such insurer when organized through policies to be issued by such insurer having face amounts aggregating one million five hundred thousand dollars ($1,500,000) or more covering their property of the same or greater value. Such insurer shall retain net of reinsurance aggregate amounts on such policies at least equal to such amount.

(b) Pay the premium for such insurance immediately upon notification by such insurer that it is prepared to issue such policies providing such insurance.

(c) Pay to the insurer immediately upon its incorporation a special deposit of at least one dollar ($1) on each one hundred dollars ($100) of insurance applied for under (a) above, such special deposit to be applied to future premiums payable by such persons either after the expiration of three years or upon the commissioner determining that the insurer has a surplus earned by insurance operations in the amount of at least fifteen thousand dollars ($15,000), whichever occurs first.

SEC. 2. Section 5050.1 is added to the Insurance Code, to read:

One-year limitation

5050.1. If such persons have not performed all acts and secured all agreements necessary to complete the incorporation of such insurer within one year from the date of their first securing an agreement from any person, all proceedings and agreements in connection with such incorporation shall become null and void and all persons entering into such agreements shall be released therefrom.

SEC. 3. Section 5062 is added to the Insurance Code, to read:

Proprietary interest prohibited

5062. No incorporators or persons acting in their behalf or other persons participating in the management of such insurer shall advance to or for the subscribers or members any premium, special deposit or assessment required to be paid. It is the intent of this chapter that no person shall have a proprietary interest in such insurer, except equally with all other members.

SEC. 4. Section 5063 is added to the Insurance Code, to read:

Delegation of control

5063. No such insurer may enter into any general agency or management contract whereby it authorizes or delegates to a person the right to assume virtual control of its operations or of the production of business for it in this State or any specified portion thereof.

Repeal

SEC. 5. Section 6046 of the Insurance Code is repealed.

CHAPTER 1251

An act to amend Section 458 of the Education Code, relating to compensation for public service in counties of the fifty-eighth class.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 458 of the Education Code is amended to read:

Alpine County Superintendent of Schools. Salary

458. The annual salary of the county superintendent of schools of a county of the fifty-eighth class is three thousand nine hundred dollars ($3,900), and he shall possess a valid elementary or secondary teaching credential issued by the State Board of Education.

CHAPTER 1252

An act to amend Sections 13352, 13354, 13362, 13364, 13375, 13388, and 13396 of the Health and Safety Code, relating to clothes cleaning establishments.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 13352 of the Health and Safety Code is amended to read:

13352. Unless otherwise provided in this article, no hazardous building shall be located less than 12 feet from any boundary line of, or any other building or structure on, the lot or premises upon which it is constructed, except that the wall of a hazardous building having no door or window openings therein may be located less than 12 feet from any boundary line of, or any other building or structure on, the lot or premises. Location

SEC. 2. Section 13354 of the Health and Safety Code is amended to read:

13354. Where a boundary line is identical with a line of a street, alley, or irrevocable easement which is less than 12 feet in width, a hazardous building may be located nearer than 12 feet from that line, but not nearer than 12 feet from the opposite or remote line of the street, alley, or irrevocable easement, except that this section shall not apply to the wall of a hazardous building having no door or window openings therein. Exception

SEC. 3. Section 13362 of the Health and Safety Code is amended to read:

13362. The exterior and bearing walls of a hazardous building shall be constructed of incombustible material having a fire resistance rating of four hours, as determined by tests conducted in accordance with the standards adopted by the American Standards Association, the American Society of Testing Materials or other nationally recognized standard of fire resistance rating. Piers or columns shall be provided at concentrated loads or other points of structural necessity. This section does not apply to the exterior and bearing walls of a hazardous building which was in existence and in operative use prior to August 2, 1927, and which has been in continuous operative use since that date, if the walls are constructed of concrete, concrete brick, burned clay brick, burned clay hollow tile, or concrete hollow tile, not less than eight inches thick, or reinforced concrete not less than six inches thick, and are approved as to location and condition. Walls Exterior and bearing

SEC. 4. Section 13364 of the Health and Safety Code is amended to read:

13364. Interior division walls, other than bearing walls, separating hazardous rooms shall be constructed of incombustible material having a fire resistance rating of 3 hours, as determined by tests conducted in accordance with the provisions of Section 13362. This section shall not apply to the interior division walls of a hazardous building which was in existence and in operative use prior to August 2, 1927, and which has been in continuous operative use since that date, if the walls are constructed of concrete, concrete brick, burned clay brick, burned clay hollow tile, or concrete hollow tile, not less than six inches thick, and are approved as to location and condition. Interior division

SEC. 5. Section 13375 of the Health and Safety Code is amended to read:

Wash room doors

13375. Every wash room shall have at least two doors, which shall be located as far from each other as is practicably possible. One door from every hazardous room shall lead directly to the exterior. The location of doors in respect to accessibility and fire exposure shall be subject to the approval of the State Fire Marshal.

SEC. 6. Section 13388 of the Health and Safety Code is amended to read:

Boiler room construction

13388. No boiler or steam generator shall be installed or used in connection with a clothes cleaning establishment unless it is installed and housed in conformity with the following:

(a) No boiler or steam generator of any horsepower, nor the boiler room in which it is housed, shall be placed or located within four feet from any hazardous building. The fire box or burner of such boilers shall not be less than 20 feet from the closest opening into the hazardous building.

(b) Every boiler used in connection with a clothes cleaning establishment shall be mounted on a suitable masonry base.

SEC. 7. Section 13396 of the Health and Safety Code is amended to read:

"No smoking" signs

13396. Approved metallic "No Smoking" signs shall be installed in every hazardous building and in every area used for spotting and sponging in a clothes cleaning establishment, at locations designated by the State Fire Marshal. Smoking inside a hazardous building where any of the processes of dry cleaning are carried on is a violation of this chapter.

CHAPTER 1253

An act to add Section 1506.5 to, and to amend Section 1504 of, the Welfare and Institutions Code, relating to aid to needy children.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 1506.5 is added to the Welfare and Institutions Code, to read:

1506.5. If at any time during the continuance of aid under this chapter the county, upon investigation, determines that the parent of a recipient has been gainfully employed or has had sufficient assets to enable him to reasonably assist the recipient during the period in which the child was receiving aid, it may, after notifying the parent of the amount of assistance granted, bring suit against the parent to recover the amount of assistance paid under the provisions of this chapter, including any assistance paid after commencement of the suit and before rendition of judgment.

SEC. 2. Section 1504 of said code is amended to read:

1504. Whenever any aid under this chapter is repaid to a county or recovered by a county pursuant to Section 1506.5, the State shall be entitled to a share of the amount received or recovered, proportionate to the amount of state funds paid, and, if the funds advanced by the Federal Government were paid, the Federal Government shall be entitled to a share of the amount received or recovered, proportionate to the amount of federal funds paid.

CHAPTER 1254

An act to amend Sections 5058, 5152, 5202, 5202.1, 7121, and 7731 of, and to add Section 7120 to, the Education Code, relating to school apportionments, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.] In effect immediately

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

SECTION 1. Section 5058 of the Education Code is amended to read:

5058. The State Controller shall, during the next fiscal year following that in which he determines the annual repayment as herein provided, deduct the total amount of the annual repayment of each district in equal amounts from each of the February, March, April, and May installments of the apportionments made to such district from the State School Fund under Chapter 15 of this division; and, on order of the State Controller, the amount so deducted shall be transferred to the Public School Building Loan Fund. All money transferred to the Public School Building Loan Fund under the provisions of this section shall be available only for transfer to the General Fund under the provisions of Section 5103. Deduction from State School Fund apportionments

SEC. 2. Section 5152 of said code is amended to read:

5152. The Superintendent of Public Instruction shall report to the Controller, on or before the twenty-fifth day of September of each year, the total average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds. Report on daily attendance

SEC. 3. Section 5202 of said code is amended to read:

5202. (a) The Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in each month, except July, of each year in the amounts and manner as herein prescribed as to provide in each warrant a portion of the total amount certified by the Superintendent of Public Instruction as apportioned under the provisions of Chapter 15 of this division during the fiscal year from the State School Fund to the school districts under the jurisdiction of the county superintendent of schools of the county, Warrants

to the county school service fund, and to the county school tuition fund of the county:

(1) Warrants in the months of August and September shall be for amounts equal to one-tenth of the amounts certified under Section 7120 by the Superintendent of Public Instruction and shall constitute an advance upon the amounts payable under Section 7121.

(2) Warrants in the months from October to June, inclusive, shall include, in addition to the amounts required by subdivisions (3), (4), and (5) of this subdivision, one-tenth of the difference between the amounts certified by the Superintendent of Public Instruction as apportioned under Section 7121, subject to the provisions of Section 7121.1, and the amounts advanced thereon in the warrants for August and September. An additional one-tenth of such difference shall be included in the warrants for the month of November or for another month in the fiscal year as the Controller shall determine.

(3) Warrants in December shall include four-tenths of the amounts certified by the Superintendent of Public Instruction as apportioned under Sections 7122, and 7122.5 and subdivision (a) of Section 7121.2. An additional one-tenth of such amounts shall be included in the warrants for the months from January to June, inclusive.

(4) Warrants in February shall include the total amounts certified by the Superintendent of Public Instruction as apportioned under subdivision (a) of Section 7123.

(5) Warrants in June shall include the total amounts certified by the Superintendent of Public Instruction as apportioned under subdivision (b) of Section 7123 and Section 7124.

(b) The drawing of the warrants required to be drawn during any one of the months mentioned may be postponed by the Controller for not to exceed 30 days, but the total amounts due the several counties during any fiscal years shall be paid within the fiscal year. The warrants shall be paid by the State Treasurer from the State School Fund and are not subject to the provisions of Government Code Section 16003.

SEC. 4. Section 5202.1 of said code is amended to read:

Certification of amounts apportioned

5202.1. (a) If the Superintendent of Public Instruction does not certify to the Controller, on or before the twenty-fifth day of September, the amounts apportioned by him under Section 7121, the Controller shall draw warrants on the State Treasury in favor of the county treasurer of each county in the month of October, and in each month thereafter until the month following his receipt of such certification, for amounts equal to one-tenth of the amounts certified under Section 7120 by the Superintendent of Public Instruction.

(b) In the month following the receipt of the certification of the amounts apportioned by the Superintendent of Public Instruction under Section 7121, the Controller shall draw warrants on the State Treasury in favor of the county treasurer

of each county in an amount equal to the difference between the amount of the warrants which would have been drawn pursuant to Section 5202 had the certification been received by the Controller not later than September 25th and the amount of the warrants drawn pursuant to subdivision (a) of this section.

(c) Warrants drawn under this section shall be drawn on the State School Fund and are not subject to the provisions of Government Code Section 16003.

SEC. 5. Section 7120 is added to said code, to read:

Certification of average daily attendance

7120. The Superintendent of Public Instruction shall on or before August 10th of each year, certify to the Controller the total number of units of average daily attendance computed for each elementary school district, high school district, junior college district, county school service fund, and county school tuition fund, for the preceding fiscal year, which have been reported prior to a date of the current fiscal year fixed by the Superintendent of Public Instruction, and the amount to be apportioned to each such school district or fund on account of such average daily attendance during the current fiscal year under Articles 5, 6, 7, 8, and 9 of this chapter.

SEC. 6. Section 7121 of said code is amended to read:

Principal apportionment

7121. The Superintendent of Public Instruction shall on or before September 25th of each year apportion to each elementary school district, high school district, junior college district, county school service fund, and county school tuition fund the total amounts allowed to them under Articles 2, 5, 6, 7, 8, 9, 11, 11.1, and 16, excepting Sections 7118 and 7119 of this chapter. This apportionment shall be called the Principal Apportionment.

SEC. 7. Section 7731 of said code is amended to read:

Repayment deductions

7731. The State Controller shall, during the next fiscal year following that in which he determines the annual repayment as herein provided, deduct the total amount of the annual repayment of each district in equal amounts from each of the February, March, April, and May installments of the apportionments made to such district from the State School Fund under Chapter 15 of this division; and, on order of the State Controller, the amount so deducted shall be transferred to the State School Building Aid Fund. All money transferred to the State School Building Aid Fund under the provisions of this section shall be available only for transfer to the General Fund under the provisions of Section 7903.

Transfers to State School Building Aid Fund

SEC. 8. 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, to become operative July 1, 1955. The facts constituting such necessity are:

Urgency

In order to provide school districts and county superintendents of schools with funds with which to maintain the public schools at the earliest possible moment before the 1955 fall school term, it is necessary that this act take effect immediately.

CHAPTER 1255

An act to amend Section 16272 of the Education Code, relating to school busses.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 16272 of the Education Code is amended to read:

16272. The State Board of Education may adopt reasonable regulations relating to the construction, design, operation, equipment, and color of school busses. No regulation relating to the construction, design, or color of school busses shall apply to busses purchased prior to September 15, 1935. Any school bus repainted after September 15, 1935, shall be painted to conform to all the regulations relating to the color of school busses. The regulations, if approved by the Commissioner of the California Highway Patrol, shall be enforced by the California Highway Patrol. The State Board of Education may issue an order prohibiting the operation on public streets, highways and elsewhere of any school bus which does not comply with the regulations. The order shall be enforced by the California Highway Patrol.

CHAPTER 1256

An act to repeal Article 4 of Chapter 2, Division 4 of the Public Resources Code, relating to state forests.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Article 4 of Chapter 2, Division 4 of the Public Resources Code is repealed.

CHAPTER 1257

An act to add Section 3131 to Article 5 of Chapter 5 of Part 2 of Division 1 of, and to add Section 3157 to Article 6 of Chapter 5 of Part 2 of Division 1 of the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 3131 is added to Article 5 of Chapter 5 of Part 2 of Division 1 of the Unemployment Insurance Code, to read:

3131. The director may from time to time, with approval of the Department of Finance, invest money in the Disability Fund for repairs and for alterations of buildings and appurtenant facilities, or for repairs, or for alterations of buildings and appurtenant facilities, constructed pursuant to this article, but not to exceed the amount authorized to be invested by Section 3125.

SEC. 2. Section 3157 is added to Article 6 of Chapter 5 of Part 2 of Division 1 of said code, to read:

3157. The Department of Finance may from time to time, with approval of the director, invest money in the Disability Fund for repairs and for alterations of buildings and appurtenant facilities, or for repairs, or for alterations of buildings and appurtenant facilities, constructed pursuant to this article, but not to exceed the amount authorized to be invested by Section 3151.

CHAPTER 1258

An act to amend Section 25663 of the Business and Professions Code, relating to employment of minors in on-sale liquor premises.

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 25663 of the Business and Professions Code is amended to read:

25663. Every person who employs or uses the services of minors in or on that portion of any premises, during business hours, which are primarily designed and used for the sale and service of alcoholic beverages for consumption on the premises is guilty of a misdemeanor.

CHAPTER 1259

An act to amend Sections 9, 14, and 15 and to repeal Section 25 of the Riverside County Flood Control and Water Conservation District Act, relating to the Riverside County Flood Control and Water Conservation District.

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

In effect September 7, 1955

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

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 dis- Purposes

trict 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 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.

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

Powers: Generally

1. To have perpetual succession.

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

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.

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.

5. To take by grant, purchase, gift, devise or lease, or otherwise, 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, and to lease its property to public agencies, or to grant any interest therein to public agencies, which lease or grant does not interfere with the use of the property for the purposes of the district.

Indebtedness and bonds

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

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.

Surveys, etc.

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 purpose provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose as authorized herein.

Levy taxes, etc.

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, etc

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, nor in any event shall the district spend more

than a total of five thousand dollars ($5,000) annually for the purpose of carrying on any program under this subdivision.

The authority of the district to carry on any program under this subdivision shall terminate on October 1, 1957.

Contracts, etc

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.

SEC. 2. Section 14 of said act is amended to read:

Board of supervisors Levy of tax, etc

Sec. 14. The board of supervisors of said district shall have power, in any year:

1. To levy an ad valorem tax or assessment upon all taxable property in the district to pay the costs and expenses of said Riverside County Flood Control and Water Conservation District and to carry out any of the objects or purposes of this act of common benefit to the district as a whole; provided, however, that said ad valorem tax or assessment shall not exceed two and one-half cents ($0.02½) on each one hundred dollars ($100) of assessed valuation, and

2. To levy an ad valorem tax or assessment upon all taxable property in each or any of said zones, according to the benefits derived or to be derived by said respective zones to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to said respective zones, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements within said respective zones; provided, however, the tax last above mentioned, namely, a tax upon all taxable property in each or any of said zones according to the benefits derived or to be derived by said respective zones, shall not be levied for the Fiscal Year 1945-46 It is declared that all property within a given zone is equally benefited under this act

Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone except as provided in Sections 17 and 18 hereof; and provided further, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed forty cents ($0.40) on each one hundred dollars ($100) of assessed valuation of the taxable property in said zones exclusive of any tax levied to meet the bonded indebtedness of any of said zones and the interest thereon.

SEC. 3. Section 15 of said act is amended to read:

Claims against district

Sec. 15. Claims against the Riverside County Flood Control and Water Conservation District shall be prepared, pre-

sented, audited and allowed or disallowed in the same manner and within the periods of time specified by law for the preparing, presenting, auditing, and allowance or disallowance of claims against the County of Riverside.

SEC. 4. Section 25 of said act is repealed. Repeal

CHAPTER 1260

An act to amend Section 9531 of the Business and Professions Code, relating to cleaning, dyeing and pressing.

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.] In effect September 7, 1955

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

SECTION 1. Section 9531 of the Business and Professions Code is amended to read:

9531. Members of the board shall be appointed for a term of four years, and they shall serve until the appointment and qualification of their successor, but in such case no member whose term of office has expired shall serve for a period longer than six months, unless reappointed to the board. No member shall serve more than two successive regular four year terms, but this provision shall not prevent any member of the board from completing his present term of office. The terms of the members first appointed shall expire as follows:

Three on January 15, 1946.

Three on January 15, 1947.

One on January 15, 1949.

The terms shall expire in the same relative order as to the members first appointed. Vacancies occurring shall be filled by appointment for the unexpired term and shall be a member within the same classification as the original appointment. Before entering upon the duties of his office, each member of the board shall take and subscribe to the constitutional oath of office. A majority of the membership shall constitute a quorum for transacting any business of the board. A vacancy on the board shall not impair the right of the remaining members of the board to perform all duties and exercise the authority therein vested in the board. The Governor may remove a member for cause, and shall remove any member who ceases to be actively engaged in the dry cleaning industry as a licensed owner.

CHAPTER 1261

An act to add Section 1.5 to Chapter 401 of the Statutes of 1867-1868, relating to lands granted to cities and terms under the provisions of an act of Congress entitled "An act for the relief of the inhabitants of cities and towns upon the public lands," approved March 2, 1867.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 1.5 is added to Chapter 401 of the Statutes of 1867-1868, to read:

Sec. 1.5. Wherever land has been granted to corporate authorities in trust for the occupants thereof pursuant to the act of Congress of March 2, 1867 and the corporate authorities are no longer in existence, the judge of the superior court in and for the county in which the lands are located, (or, if there is more than one judge of such court, the presiding judge thereof) shall execute the trust for the use and benefit of said occupants.

CHAPTER 1262

An act to amend Section 69595 of the Government Code, relating to superior court judges in San Diego County.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 69595 of the Government Code is amended to read:

69595. In the County of San Diego there shall be 10 judges of the superior court.

SEC. 2. This act shall become operative on January 17, 1956.

CHAPTER 1263

An act to amend Sections 814 and 820 of, and to add Sections 820.1, 820.2, and 820.3 to, the Fish and Game Code, relating to shellfish.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 814 of the Fish and Game Code is amended to read:

814. Every person must procure a license to engage in the business of cultivating shellfish, whether planting, promoting their growth or harvesting the same in, on or from waters and areas of this State, whether public or private. Cultivation of shellfish

The department shall prepare suitable licenses entitling the holder thereof to cultivate shellfish, subject to the provisions of this code, for a term of one year from July 1st to June 30th, or, if issued after the beginning of such term, for the remainder thereof.

The annual fee for the license provided for in this section is twenty-five dollars ($25). The fee shall be paid into the Fish and Game Preservation Fund. It is further provided that any person engaged solely in the cultivation of shellfish and sale of cultivated shellfish, and who is not subject to any of the other requirements of Section 1010, does not require the license designated in Section 1010.

SEC. 2. Section 820 of said code is amended to read:

820. The commission may allot to any citizen of California unallotted state water bottoms upon which to exercise the exclusive privilege of planting shellfish and harvesting the same; provided, that minimal use of such state water bottoms as established by commission regulation or policy shall be conformed thereto. No unallocated state water bottoms shall be allocated unless the commission determines that such allotment is in the public interest. Any citizen of California desiring to acquire the exclusive privilege of planting, cultivating or harvesting shellfish on unallotted state water bottoms must make application to the commission so to do, designating the particular area or part thereof such person desires allotted for his use as aforesaid, said application to be accompanied by a map of the area desired, showing sufficient adjacent geography for ready placement, and the acreage of the area. Unallotted state water bottoms Application

Each application for an allotment of state water bottoms shall be accompanied by a fee of fifty dollars ($50). Said fee shall be paid into the Fish and Game Preservation Fund. Fee

The commission, after consulting its records of filings, shall, if the area requested be found unallotted and the application is in conformance to the provisions of this section, and after making a finding that such allotment is in the public interest, cause the said area to be allotted to the petitioner to be held by the petitioner for the term of the allotment or until such time as it is abandoned. Upon being declared abandoned, claim may be allotted to the first applicant applying, or by lot if several applications are received the same day; provided, that only applications conforming to the requirements of this section need be considered, and all improvements, betterments, buildings, and shellfish thereon shall be sold to the applicant at a price agreed upon between the applicant and the department. A claim shall be considered abandoned when the claim has not been operated in the cultivation of shellfish and the sale of cultivated shellfish therefrom for a period of two years. The transfer of such a claim shall not affect the running of such Allotments

two-year period. Allotments made under the provisions of this section are only for cultivating and harvesting shellfish and do not confer authority to conduct any activity which is not associated therewith. An allotment may be made for a period of not to exceed twenty-five (25) years and if, at the termination of the period of an allotment, the water bottom allotted is still subject to allotment the allottee shall have a prior right to the allotment of such bottom to him. All allotments shall be held subject to the power of the Legislature to increase or otherwise change the fees, taxes, and other charges relating to such allotments.

Public digging areas

Any areas of state land in any of the bays of the State on which clams are now growing and which are used by the public for digging clams shall not be allotted as shellfish claims and shall remain open to the public for the purpose of digging clams. The department shall designate such areas.

The granting of a shellfish claim shall in no way affect public access for hunting and fishing to the state lands contained therein; provided, that access to such allocated state water bottoms for the purposes of hunting or fishing shall be only by boat floating on the surface of the water covering such lands and operated in such manner as to cause no untoward disturbance of such allocated state water bottoms or the oysters thereon.

Claims. Transfer

A claim may be transferred from one person or persons to another person or persons, eligible to file shellfish claims, upon receipt of application therefor accompanied by map and filing fee as provided herein above.

Markings

All claims shall be plainly marked by a stake at each corner, if rectangular; or, if irregular in shape, at the intersection of two lines of different directions. The tops of the stakes shall be painted white and shall show at least four feet above high water. In some conspicuous place on a shellfish claim a sign shall be displayed which shall be above high water and shall be not less than six feet in length and one foot in width, on which shall be painted in black letters upon a white ground the words "oyster beds" or "mussel beds" or such words as apply, under which shall appear the name of the person or persons holding the area; provided, that nothing herein contained shall be deemed to authorize any impediment or obstruction to the navigation of any channels. The allottee shall be considered as having complied with the posting requirement if after posting the claim he files with the nearest office of the department an affidavit that stakes and signs have been placed as required. If corner stakes or signs are destroyed or lost in any manner the allottee shall replace them within 30 days of receipt of notification from the department to do so. The commission may make such rules and regulations as it deems necessary to enforce the provisions of Sections 815 to 822 inclusive.

SEC. 3. Section 820.1 is added to said code, to read:

Additional rental fee

820.1. In addition to the fees provided for in this article, the allottee of a state shellfish claim shall pay an annual rental

of one dollar ($1) per each acre or part thereof for all state water bottoms allotted to him. The effective date of this section shall be October 1, 1955, at which time rentals on allocations then in effect shall be due for the period October 1, 1955, to September 30, 1956. Thereafter the rental period shall be from October 1st of any year to the following September 30th. For each of the first three years commencing October 1, 1955, the rental fee on shellfish claims which are in effect on that date shall be required only on acreage actually planted with shellfish at the beginning of each rental period, after which it is required on all acreage in such claims. For shellfish claims allocated after October 1, 1955, the rental fee shall apply only on areas actually planted on each of the first three due dates, after which it applies for the entire acreage. For the purposes of this section, any shellfish claim transferred from one person to another shall be considered as an existing claim, not as a new claim, and the rental shall be paid by the allottee of record on the due date.

Rental fees as provided herein shall be paid within 30 days of the due date. If not paid, the department shall give notice in writing to the allottee that rentals must be paid within 60 days. The commission may declare any allotment abandoned if the annual rental fees are not paid as provided.

The amounts received shall be paid into the Fish and Game Preservation Fund, and shall be expended according to Section 1019 of this code.

SEC. 4. Section 820.2 is added to said code, to read:

820.2. In addition to the fees provided for in this article every person operating under an allotment of state water bottoms shall pay a privilege tax of one cent ($0.01) per packed gallon or fraction thereof of shucked shellfish harvested by him from his allotment, or if the shellfish are marketed in the shell the privilege tax shall be based on the equivalent yield of shucked shellfish meat. In determining the yield of Pacific oysters it shall be deemed that one hundred (100) oysters will yield one packed gallon of shucked oyster meat. Privilege tax

SEC. 5. Section 820.3 is added to said code, to read:

820.3. All privilege taxes provided for in this article shall be paid monthly to the department within 30 days after the close of each month. The commission may suspend or revoke a license and/or an allotment of state water bottoms if privilege taxes stipulated in this article remain unpaid more than sixty (60) days after the time they are due and payable. Blanks for the purpose of making privilege tax returns shall be supplied by the department. Same Payment

Any licensee operating under a license granted under Section 814 shall make such reports as may be required under Article 5, Division 4 of this code, whether or not under such article separately, he may or may not be so required.

CHAPTER 1264

An act to amend Section 7402 of the Education Code, relating to bond elections in school districts.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 7402 of the Education Code is amended to read:

7402. The election shall be called by posting notices, signed by a majority of the governing board of the district in at least three public places in the district, not less than 20 days before the election. If there is a newspaper of general circulation published in any county in which any part of the district is situated, the notice shall be published therein at least once in each calendar week for three successive calendar weeks prior to the election. In addition, the county clerk, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district is located, shall, at least 10 days before the day fixed for the election, mail to each registered voter residing within the district, a card designating the polling place and time of the election and containing a statement of the purposes of the election and the need for the issuance of bonds. Such statement shall contain only the following:

(a) The amount of the proposed bond issue.

(b) A brief statement of the governing board of the need for the issuance of the bonds and of the purposes for which it is intended that the proceeds of the bond issue will be expended.

(c) A statement that "the proceeds of the bond issue may also be expended for any of the purposes specified in Education Code Section 7401 which are included in the bond proposition."

At least 60 days before the date of the bond election the governing board of the school district shall furnish the county clerk or registrar of voters with a list of precincts established for the election and the polling place in each such precinct, together with a copy of the statement of the purposes of the election in the form in which it is to appear on the card.

The costs incurred by the county clerk or registrar of voters in connection with this section shall be paid out of the funds of the district.

In any district located wholly or partially in a county with a population of less than 60,000, as determined by Government Code Section 28020, the governing board of the school district, rather than the county clerk or registrar of voters, shall mail to each registered voter residing in the district the cards designating the polling place and time of election, and stating the purposes of the election and the need for the issuance of bonds, at the time required by this section.

CHAPTER 1265

An act to amend Section 8937 of, and to add Sections 8938.3 and 8938.4 to, the Business and Professions Code, relating to yacht and ship brokers.

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 8937 of the Business and Professions Code is amended to read:

8937. This chapter does not apply: Exemptions

(a) To a transaction involving the sale by a person of his own yacht or ship.

(b) To services rendered by an attorney at law in performing his duties as such attorney at law.

(c) To any receiver, trustee in bankruptcy or other person acting under the order of any court.

(d) To a transaction involving the sale of a new yacht or ship.

(e) To any transaction involving the foreclosure of a security interest in a yacht or ship.

SEC. 2. Section 8938.3 is added to said code, to read:

8938.3. Any person claiming to be injured by the fraud, deceit, or wilful negligence of any broker, or by the failure of any broker to comply with the provisions of this chapter, may bring an action upon the bond deposited with the commissioner against both the principal and the surety in any court of competent jurisdiction to recover the damage caused by such fraud, deceit, wilful negligence, or failure to comply with the provisions of this chapter. In the event that a broker fails to pay any sum owed to any creditors arising out of any transaction in which such broker acted in his capacity as a broker, the commissioner shall call and hold a hearing, as near as may be pursuant to the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, to determine the names and addresses of all such creditors, together with the amounts due and owing to them and each of them. The publication of one notice of the hearing in a magazine or newspaper of general circulation devoted to the yacht and ship business shall constitute sufficient notice of the hearing. Each creditor claiming that a sum is owed to him shall file with the commissioner at the hearing a verified statement of his claim. Action upon bond

Upon ascertaining all claims and statements in the manner herein set forth, the commissioner may then make demand upon the bond on behalf of those claimants whose statements have been filed, and shall have the power to settle or compromise said claims with the surety company on the bond, and is empowered in such cases to execute and deliver a release and discharge of the bond involved. Upon the refusal of the surety company to pay the demand, the commissioner shall thereupon

bring an action on the bond in behalf of said creditors. Upon any action being commenced on said bond, the commissioner may require the filing of a new bond and immediately upon the recovery in any action on such bond such broker shall file a new bond and upon failure to file the same within 10 days in either case, such failure shall constitute grounds for the suspension or revocation of his license.

SEC. 3. Section 8938.4 is added to said code, to read:

Withdrawal of surety

8938.4. Upon the filing of notice with the commissioner by any surety of its withdrawal as surety for any licensee pursuant to Section 2851 of the Civil Code, the commissioner shall forthwith give notice to the licensee of the withdrawal which notice shall be by registered mail with request for return receipt and shall be addressed to the licensee at his principal office as shown by the records of the commissioner. The license of any licensee shall be suspended and shall be returned to the commissioner upon the termination of the bond of the surety as provided in Section 2851, unless, prior to the termination, a new bond has been filed with the commissioner.

CHAPTER 1266

An act to amend Section 373a of the Penal Code, relating to maintaining or permitting a nuisance.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 373a of the Penal Code is amended to read:

373a. Every person who maintains, permits, or allows a public nuisance to exist upon his or her property or premises, and every person occupying or leasing the property or premises of another who maintains, permits or allows a public nuisance to exist thereon, after reasonable notice in writing from a health officer or district attorney or city attorney or prosecuting attorney to remove, discontinue or abate the same has been served upon such person, is guilty of a misdemeanor, and shall be punished accordingly; and the existence of such nuisance for each and every day after the service of such notice shall be deemed a separate and distinct offense, and it is hereby made the duty of the district attorney, or the city attorney of any city the charter of which imposes the duty upon the city attorney to prosecute state misdemeanors, to prosecute all persons guilty of violating this section by continuous prosecutions until the nuisance is abated and removed.

CHAPTER 1267

An act to amend Section 7071 of the Business and Professions Code, relating to the licensing of contractors.

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.] In effect September 7, 1955

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

SECTION 1. Section 7071 of the Business and Professions Code is amended to read:

7071. No license shall be issued to a corporation, copartnership, or other combination or organization if any responsible officer or director of such corporation, or other combination or organization, or any member of such copartnership does not meet the qualifications required of an applicant other than those qualifications relating to knowledge and experience.

CHAPTER 1268

An act to add Article 6a, comprising Sections 12850 to 12852, inclusive, to Chapter 6 of Division 6 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.] In effect September 7, 1955

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

SECTION 1. Article 6a, comprising Sections 12850 to 12852, inclusive, is added to Chapter 6 of Division 6 of the Public Utilities Code, to read:

Article 6a. Electric System Improvements

12850. This article shall apply only to districts which have owned and operated an electric distribution system for at least eight years and which have a population of 250,000 or more.

12851. A district may from time to time issue bonds in accordance with the Revenue Bond Law of 1941, as it now reads or as hereafter amended for the purpose of financing the construction of hydroelectric generation facilities and associated transmission facilities required to deliver the power and energy generated by such hydroelectric generation facilities to load center, which shall constitute an "enterprise" within the meaning of Section 54309 of the Government Code. The authority hereby granted to districts is in addition to all powers granted local agencies under the Revenue Bond Law of 1941, and Section 54310 of the Government Code, insofar as it is inconsistent with such authority, shall not apply.

12852. The authority herein contained shall be in addition to the authority conferred by Chapter 7 of this division and indebtedness incurred in accordance with the authority herein contained shall not be included in ascertaining the aggregate indebtedness specified in Section 12842.

CHAPTER 1269

An act to amend Section 3474 of the Welfare and Institutions Code, relating to aid to the blind, and introducing a responsibility of relatives scale directly into this part of the code.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 3474 of the Welfare and Institutions Code is amended to read:

Responsibility of relatives

3474. The board of supervisors or an agent designated by the board shall determine if the applicant or recipient of aid has within this State a spouse, parent, or adult child responsible to contribute to the support of the applicant or recipient of aid pursuant to the relatives' contribution scale of this section. A form shall be sent to the responsible relative requiring the information essential to a determination of the relative's liability to support under said scale.

If any applicant for or recipient receiving aid under provisions of this chapter has residing within the State a spouse, parent, or adult child, pecuniarily able to support him, upon the failure of such kindred to perform their duty to support the blind person the board of supervisors may request the district attorney or other civil legal officer of the county to proceed against the kindred in the order of their responsibility for support.

Court action

Upon such request the district attorney, or other civil legal officer of the county granting aid may, on behalf of the county, maintain an action in the superior court of the county granting such aid, against such relatives, in the order named: (1) to recover for the county such portion of the aid granted as the courts find such relative or relatives pecuniarily able to pay and (2) to secure an order requiring the payment to the county of any sums which may become due in the future for which the relative may be liable. The receipt of aid by the applicant under the provisions of this chapter, however, shall not be contingent upon such recovery or such order. The sums so recovered shall be credited by the county in its settlement with the State.

Determination of degree of liability

The board of supervisors directly or through an authorized agent shall determine the ability of responsible relatives to contribute to the support of applicant and designate the amount of aid, if any, to be granted. The maximum degree of liability of the responsible relative shall be determined by "relatives' contribution scale." Nothing in this section shall preclude the right of an applicant or recipient, or a responsible relative, from appealing directly to the board of supervisors concerning any determination made with respect to the degree of liability

of responsible relatives, or of the authority of the board of supervisors to reduce responsible relatives' payment below the amount specified in the scale, where the circumstances justify.

In determining ability to contribute, the financial circumstances of responsible relatives shall be given due consideration and in unusual cases, contributions at less than the amount fixed by "relatives' contribution scale" may be made as the board of supervisors may deem justifiable.

For purposes of this chapter, income of a responsible relative is defined as the sum of the income constituting the separate property of the responsible relative, the income (excluding earnings) which is community property subject to the direction and control of the responsible relative, and the earnings of the responsible relative, but not of his or her spouse.

In computing net income, a flat 20 percent allowance shall be permitted in lieu of a reduction for the actual amount of personal income taxes, unemployment insurance taxes and social security taxes.

A responsible relative who is self-employed shall also be allowed to deduct the expenses necessary for obtaining the income.

RELATIVES' CONTRIBUTION SCALE

Relatives' contribution scale

A. Monthly net income of responsible relatives and family	B. Number of persons dependent upon income									
	1	2	3	4	5	6	7	8	9	10
	C. Maximum required contributions									
$200 or under	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
201- $225	5	0	0	0	0	0	0	0	0	0
226- 250	10	0	0	0	0	0	0	0	0	0
251- 275	15	0	0	0	0	0	0	0	0	0
276- 300	20	0	0	0	0	0	0	0	0	0
301- 325	25	5	0	0	0	0	0	0	0	0
326- 350	30	10	0	0	0	0	0	0	0	0
351- 375	35	15	5	0	0	0	0	0	0	0
376- 400	40	20	10	0	0	0	0	0	0	0
401- 425	45	25	15	5	0	0	0	0	0	0
426- 450	50	30	20	10	0	0	0	0	0	0
451- 475	55	35	25	15	5	0	0	0	0	0
476- 500	60	40	30	20	10	0	0	0	0	0
501- 525	65	45	35	25	15	5	0	0	0	0
526- 550	70	50	40	30	20	10	0	0	0	0
551- 575	75	55	45	35	25	15	5	0	0	0
576- 600	80	60	50	40	30	20	10	0	0	0

RELATIVES' CONTRIBUTION SCALE

A. Monthly net income of responsible relatives and family	B. Number of persons dependent upon income									
	1	2	3	4	5	6	7	8	9	10
	C. Maximum required contributions									
$601- $625	$85	$65	$55	$45	$35	$25	$15	$5	$0	$0
626- 650	90	70	60	50	40	30	20	10	0	0
651- 675	95	75	65	55	45	35	25	15	5	0
676- 700	100	80	70	60	50	40	30	20	10	0
701- 725	105	85	75	65	55	45	35	25	15	5
726- 750	110	90	80	70	60	50	40	30	20	10
751- 775	115	95	85	75	65	55	45	35	25	15
776- 800	120	100	90	80	70	60	50	40	30	20
801- 825	125	105	95	85	75	65	55	45	35	25
826- 850	130	110	100	90	80	70	60	50	40	30
851- 875	135	115	105	95	85	75	65	55	45	35
876- 900	140	120	110	100	90	80	70	60	50	40
901- 925	145	125	115	105	95	85	75	65	55	45
926- 950	150	130	120	110	100	90	80	70	60	50
951- 975	155	135	125	115	105	95	85	75	65	55
976-1,000	160	140	130	120	110	100	90	80	70	60
1,001-1,025	165	145	135	125	115	105	95	85	75	65
1,026-1,050	170	150	140	130	120	110	100	90	80	70
1,051-1,075	175	155	145	135	125	115	105	95	85	75
1,076-1,100	180	160	150	140	130	120	110	100	90	80
1,101-1,125	185	165	155	145	135	125	115	105	95	85
1,126-1,150	190	170	160	150	140	130	120	110	100	90
1,151-1,175	195	175	165	155	145	135	125	115	105	95

The maximum required monthly contribution of responsible relatives in one family where the net monthly income is over one thousand one hundred seventy-five dollars ($1,175) shall be the amount computed by entering the column of maximum required monthly contribution appropriate to number of persons dependent upon income as shown in the relatives' contribution scale for a net monthly income of one thousand one hundred fifty-one dollars ($1,151) to one thousand one hundred seventy-five dollars ($1,175) and then adding to the required monthly contribution thus ascertained an additional sum of five dollars ($5) contribution for each and every bracket of twenty-five dollars ($25) net income over and above one thousand one hundred seventy-five dollars ($1,175), the same as if the relatives' contribution scale were extended by brackets of twenty-five dollars ($25) net income in column A with corresponding step-by-step increases of five dollars ($5) monthly contribution in each column under B and C.

CHAPTER 1270

An act to amend Section 34 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 34 of the Vehicle Code is amended to read:

34. "Commercial Vehicle." A "commercial vehicle" is a vehicle of a type required to be registered hereunder used or maintained for the transportation of persons for hire, compensation or profit or designed, used or maintained primarily for the transportation of property. Passenger vehicles which are not used for the transportation of persons for hire, compensation or profit are not commercial vehicles.

CHAPTER 1271

An act to add Article 6.5 to Chapter 3 of Division 9 of the Health and Safety Code, relating to birth certificates.

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

In effect September 7, 1955

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

SECTION 1. Article 6.5 is added to Chapter 3 of Division 9 of the Health and Safety Code, to read:

Article 6.5. Adjudication or Acknowledgment of Paternity

10285. Whenever by judicial decree the paternity of a child has been established, or whenever the mother and father acknowledge paternity of a child by affidavit, a new birth certificate shall be issued for such child and filed as provided in Article 6 hereof, except that when paternity has been established by judicial decree a new birth certificate shall be issued without the filing of an affidavit by the parents of the child

CHAPTER 1272

An act to add Section 31517.5 to the Streets and Highways Code, relating to parking districts.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 31517.5 is added to the Streets and Highways Code, to read:

31517.5. Any proceedings under this part for the organization of a parking district in unincorporated territory which becomes incorporated during the pendency of the proceedings may be continued under this part following the incorporation as though there had been no incorporation.

CHAPTER 1273

An act to amend Section 823 of the Streets and Highways Code, relating to public highways and appurtenances thereto.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 823 of the Streets and Highways Code is amended to read:

823. In addition to the purposes for which the moneys in, and to be received in, the State Highway Fund and the State Highway General Fund have been appropriated, all of said moneys, or so much thereof as may be necessary, is hereby appropriated to, and may be expended by the department for, the performance of such street or highway construction or improvement projects as are agreed upon with the properly authorized officers of the United States, including projects on public or military highways in the State of California which are not a part of the State Highway System. As to such projects on streets or highways which are not a part of the State Highway System, such expenditures shall be limited to those items for which the Government of the United States has agreed, and is obligated, to reimburse the State in full, except that the general administrative and administrative engineering expense for which the Federal Government will not repay the State is properly chargeable to the general administration of the Division of Highways.

CHAPTER 1274

An act to amend Section 7516 of the Education Code, relating to school districts.

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 7516 of the Education Code is amended to read:

7516. The board of supervisors of the county the superintendent of schools of which has jurisdiction over any district, shall annually at the time of making the levy of taxes for county purposes, levy a tax for that year upon the property in the district for the interest and redemption of all outstanding bonds of the district. The tax shall not be less than sufficient to pay the interest on the bonds as it becomes due and to provide a sinking fund for the payment of the principal on or before maturity and may include an allowance for an annual reserve, established for the purpose of avoiding fluctuating tax levies. The tax shall be sufficient to provide funds for the payment of the interest on the bonds as it becomes due and also such part of the principal and interest as is to become due before the proceeds of a tax levied at the time for making the next general tax levy can be made available for the payment of the principal and interest.

CHAPTER 1275

An act to amend Section 11030 of the Government Code, relating to traveling expenses of state employees.

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 11030 of the Government Code is hereby amended to read:

11030. All elective constitutional officers, heads of departments, chiefs of divisions, assistants, deputies, agents, experts and other officers and employees of the State when away from their headquarters for purposes of state business and all members of the Legislature when attending regular, special or extraordinary sessions of the Legislature shall receive in addition to their salaries, their actual necessary traveling expenses.

CHAPTER 1276

An act to amend Section 7605 of the Business and Professions Code, relating to funeral directors and embalmers.

In effect September 7 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 7605 of the Business and Professions Code is amended to read:

7605. The board shall meet annually, and at such other times as it may determine.

It shall elect from its members, each for a term of one year, a president, a vice president, and a secretary.

The salary of the secretary shall be fixed by the board with the approval of the Department of Finance. Each member, other than the secretary, shall receive as compensation for his services the sum of twenty dollars ($20) for each day's actual attendance upon a board or committee meeting.

Each member shall be reimbursed for his traveling expenses necessarily incurred in the performance of his duties.

CHAPTER 1277

An act to add Section 19662.5 to the Business and Professions Code, relating to horse racing.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 19662.5 is added to the Business and Professions Code, to read:

19662.5. It is unlawful for an individual performing services as a jockey or any person representing or purporting to represent such individual to compel or attempt to compel the State, while conducting horse racing either directly itself or through a state agency or state instrumentality, to pay money into any fund to which it has no legal obligation to contribute.

CHAPTER 1278

An act to add Section 19569 to the Business and Professions Code, relating to horse racing.

In effect September 7, 1955

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 19569 is added to the Business and Professions Code, to read:

19569. Any licensee who is authorized to conduct a horse racing meeting at any place, enclosure, or track which is leased by the licensee from the State, shall not transfer any such property to any other person, association, or corporation, whether licensed under this chapter or not, for the purpose of furnishing such other person, association, or corporation a place, enclosure or track at which it may conduct a horse racing meeting, unless such transfer is first submitted to the Department of Finance and the department finds that the terms and provisions of such transfer are just and reasonable and approves of the transfer. As used in this section "transfer" includes any sublease, permit to use, license to use, and any other transaction or arrangement of any kind or nature whereby any right to the use or possession of the property or any part thereof for the purpose of conducting a horse racing meeting is conferred upon any person, association, or corporation other than the licensee. The provisions of this section which are applicable to a licensee shall also apply to any person, association, or corporation to whom a transfer is made by a licensee in accordance with this section.

CHAPTER 1279

An act to add Section 32950.5 to, and to amend Sections 32952, 32953, and 32956 of, the Streets and Highways Code, relating to property of parking authorities.

[Approved by Governor June 23, 1955. Filed with Secretary of State June 24, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 32950.5 is added to the Streets and Highways Code, to read:

32950.5. Whenever it becomes necessary to remove, relocate, or alter any property devoted to a public use as a result of condemnation proceedings brought by the authority, the cost of such removal, relocation, or alteration shall be paid by the authority.

Cost of removal, etc

SEC. 2. Section 32952 of said code is amended to read:

32952. The authority may lease any project acquired by it pursuant to this part to the highest responsible bidder after the publication of a notice inviting bids two or more times, not less than five days apart, in a newspaper of general circulation printed and published in the city. If there is no newspaper of general circulation printed or published in the city, copies of the notice shall be posted in at least three public places in the city. Publication shall be commenced or notice posted not less than 15 days prior to the date set in the notice for the opening of bids.

Lease to highest bidder

Contents of notice for bids

SEC. 3. Section 32953 of said code is amended to read:

32953. The notice inviting bids shall distinctly and specifically describe the project and the facilities which are to be leased, the period of time for which the project is to be leased, and the minimum rental to be paid under the lease. The notice shall recite that there is reserved to the authority the power to fix and determine the rates to be charged by the bidder for the parking or storing of motor vehicles.

Readvertising for bids

SEC. 4. Section 32956 of said code is amended to read:

32956. If the authority operates the project it may readvertise for bids as provided in this chapter once every year.

CHAPTER 1280

An act to amend Sections 1, 2, 6, 9, 10, 12, 13, 14, 15, 16, 26, 29 and 30 of, and to add Section 14.1 to, the Orange County Water District Act, relating to the Orange County Water District.

In effect September 7, 1955

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 1 of the Orange County Water District Act is amended to read:

Orange County Water District created

Section 1. A district is hereby created to be known and designated as "Orange County Water District," located entirely within Orange County, California, including and comprising all of the land within the exterior boundaries of said district, which said boundaries are described as follows:

Boundaries

Beginning at the intersection of the boundary line between Los Angeles and Orange Counties, as officially established by the California Legislature in 1919, see Chapter 470 of the 1919 Statutes and Amendments to the codes, or Sections 3927 and 3938 of the Political Code as enacted in 1919, with the high-tide line of the Pacific Ocean; thence northerly along said boundary line the following courses and distances: north 33° 00′ 00″ east to Station 1. (Los Angeles-Orange County); thence north 57° 10′ 40″ east 8238.78 feet; thence north 2° 48′ 35″ west 2207.94 feet; thence north 16° 46′ 45″ west 1444.82 feet; thence north 27° 12′ 00″ west 2106.10 feet; thence north 31° 22′ 50″ west 1296.25 feet; thence north 27° 55′ 55″ east 8375.40 feet; thence north 11° 36′ 55″ east 2241.41 feet; thence north 39° 48′ 20″ east 5650.97 feet; thence north 59° 07′ 40″ east 3391.48 feet; thence north 0° 11′ 50″ west 4330.76 feet; thence north 44° 34′ 00″ east 1873.54 feet; thence north 0° 11′ 10″ west 3996.39 feet; thence north 89° 37′ 10″ east 1320.92 feet; thence north 0° 23′ 25″ west 1318.92 feet; thence north 89° 34′ 55″ east 1320.00 feet; thence north 0° 25′ 25″ west 1341.64 feet; thence north 89° 21′ 35″ east 1303.75 feet; thence north 0° 47′ 15″ west 1850.84 feet to the southeast corner of Section

32, Township 3 South, Range 11 West San Bernardino Base and Meridian; thence leaving said boundary easterly four miles along the township line to the southwest corner of Section 31, Township 3 South, Range 10 West S. B. B. & M.; thence northerly one-half mile to the west quarter section corner of said Section 31; thence following the boundary of the City of Fullerton, as said boundary line existed on March 6, 1953, westerly one-fourth mile to the southwest corner of the southeast quarter of the northeast quarter of Section 36, Township 3 South, Range 11 West S. B. B. & M.; thence northerly one-fourth mile to the northwest corner of the southeast quarter of the northeast quarter of said Section 36; thence westerly along the boundary line of the City of Fullerton to the southeast corner of the north half of the west two-thirds of the west half of the northeast quarter of said Section 36; thence northerly one-quarter mile to the northeast corner of the north half of the west two-thirds of the west half of the northeast quarter of said Section 36; thence following the boundary line of said City of Fullerton the following courses and distances; easterly to the northwest corner of Section 31, Township 3 South, Range 10 West S. B. B. & M.; thence northerly one-half mile to the west quarter section corner of Section Thirty (30), Township Three (3) South, Range Ten (10) West, San Bernardino Base and Meridian; thence leaving said boundary line of the City of Fullerton, easterly five and one-half ($5\frac{1}{2}$) miles along the east-west quarter section lines of Sections Thirty (30), Twenty-nine (29), Twenty-eight (28), Twenty-seven (27), Twenty-six (26) and Twenty-five (25) in Township Three (3) South, Range Ten (10) West, San Bernardino Base and Meridian; to the center of Section Twenty-five (25), Township Three (3) South, Range Ten (10) West, San Bernardino Base and Meridian; thence northerly along the boundary line of said City of Fullerton to the northwest corner of the south half of the southwest quarter of the northeast quarter of Section Twenty-four (24), Township Three (3) South, Range Ten (10) West, San Bernardino Base and Meridian; thence leaving said boundary line of the City of Fullerton east one-eighth mile to the southwest corner of the northwest one-quarter of the southwest one-quarter of the northeast one-quarter of said Section Twenty-four (24); thence north three-eighths mile to the northwest corner of the east one-half of the northwest one-quarter of the northeast one-quarter, of said Section Twenty-four (24); thence east one-eighth mile to the northeast corner of the northwest one-quarter. of the northeast one-quarter, of said Section Twenty-four (24); thence south one-quarter mile to the northwest corner of the southeast one-quarter, of the northeast one-quarter, of said Section Twenty-four (24); thence east one-quarter mile to the southwest corner of Lot Five Tuffree's Subdivision, as recorded in Book 3, pages 1 and 2 of Miscellaneous Maps, Records of Orange County, California; thence north one-quarter mile to the northwest corner of Lot Four (4) of said Tuffree's Subdivision; thence east one-

quarter mile to the northwest corner of Lot Three (3) of said Tuffree's Subdivision; thence southeasterly and northeasterly along the southerly line of that certain parcel of land described as Parcel 2 in deed recorded in Book 180, page 97 of Deeds, Records of Orange County, California, to a point in the north line of said Lot Three (3); lot lines of Tuffree's Subdivision being considered as in the center line of adjacent streets; thence east to the northeast corner of said Lot Three (3); thence northerly one-quarter mile to the northwest corner of the southwest one-quarter of the southeast one-quarter of Section Eighteen (18), Township Three (3) South, Range Nine (9) West, San Bernardino Base and Meridian; thence east one-quarter mile to the northeast corner of said southwest one-quarter of the southeast one-quarter of said Section Eighteen (18); thence south one-quarter mile to the southeast corner of said southwest one-quarter of the southeast one-quarter; thence east one-eighth mile to the southwest corner of the east one-half of the southeast one-quarter of the southeast one-quarter, of said Section Eighteen (18); thence north one-quarter mile to the northwest corner of said east one-half; thence east one-eighth mile to the northeast corner of said east one-half; thence south one-eighth mile to the northwest corner of the south one-half, of the south one-half of the south one-half of fractional Section Seventeen (17), Township Three (3) South, Range Nine (9) West, San Bernardino Base and Meridian; thence east along the north line of the said south one-half of the south one-half of the south one-half of said fractional Section Seventeen to the west line of the Rancho San Juan Cajon de Santa Ana; thence northerly along the said west rancho line to the northwest corner of Block One (1) of Yorba Linda Tract as per map recorded in Book 5, pages 17 and 18 of Miscellaneous Maps, Records of Orange County, California; thence easterly along the northerly boundary of said Yorba Linda Tract to the northeast corner of Lot One (1) in Block Two (2) of said tract; thence southerly to the southeast corner of said Lot One (1) in Block Two (2); thence westerly to the southwest corner of said Lot One (1) in Block Two (2); thence southerly to the southeast corner of Lot Two (2) in Block Two (2) of said Yorba Linda Tract; thence westerly to the southwest corner of said Lot Two (2) in Block Two thence southerly to the northwest corner of Lot Three (3) of said Block Two (2); thence easterly to the northeast corner of said Lot Three (3) in Block Two (2); thence southerly along lot lines to the northwest corner of Lot Five (5) of said Block Two (2); thence easterly along the north line of said Lot Five (5) to the center line of Fifth Street, as shown on the map of Carlton recorded in Book 29, pages 9 and 10 of Miscellaneous Records of Los Angeles County, California; thence south along said center line of Fifth Street to the center line of Pacific Avenue as shown on said map of Carlton, thence east along said center line of Pacific Avenue to the center line of Fourth Street as shown on said map of Carlton; thence north along

the said center line of Fourth Street to the center line of Orange Street as shown on said map of Carlton; thence east along the said center line of Orange Street to the west line of Second Street as shown on said map of Carlton; thence north along the said west line of Second Street to the center line of Walnut Street as shown on said map of Carlton; thence west along the said center line of Walnut Street to the center line of Third Street as shown on said map of Carlton; thence north along the said center line of Third Street to the center line of Chicago Avenue as shown on said map of Carlton; thence east along the said center line of Chicago Avenue to the center line of said Second Street; thence south along the said center line of Second Street to the said center line of Pacific Avenue; thence east along the said center line of Pacific Avenue to the west line of Block Six (6) of said Yorba Linda Tract; thence northerly, easterly, southerly, easterly, southerly, easterly, southerly, westerly, and southerly along the exterior boundary lines of said Yorba Linda Tract to the southeast corner of Lot Three (3) in Block Twenty-four (24) of said Yorba Linda Tract; thence west along the south line of said Lot Three (3) to the southwest corner of said Lot Three (3); thence southerly along the westerly line of Lot Four (4) of said Block Twenty-four (24) and its southwesterly extension to the northerly corner of Lot Five (5) in Block Thirty-four (34) of said Yorba Linda Tract; thence southerly along the westerly line of said Lot Five (5) to its intersection with the center line of the Anaheim Ditch, of the Anaheim Union Water Company; thence easterly along center line of said ditch to corner number three of allotment of first class land to Wolf Kalisher and Henry Wartenberg in partition of Rancho Canon de Santa Ana being the southwest corner of that certain 1.26 acre parcel as described in deed recorded in Book 357, page 102 of Deeds, Records of Orange County, California; thence following the westerly, northerly and easterly line of said 1.26 acre parcel to a point in the north line of said allotment of first class land to Kalisher and Wartenberg in partition of Rancho Canon de Santa Ana; thence following said northerly line of said allotment to its intersection with southerly line of right of way of Atchison, Topeka, and Santa Fe Railway Company; thence following said southerly right of way line to its intersection with west line of the allotment of second class land to V. Yorba in partition of said Rancho Canon de Santa Ana; thence northerly, westerly and northerly along said allotment line to the center line of Anaheim Union Water Company's Canon Canal; thence easterly following center line of said Canon Canal to the east line of said allotment to V. Yorba; thence northerly along said east line of allotment to V. Yorba, to a point 2,800 feet northerly measured along said east line from its intersection with the center line of the Atchison, Topeka, and Santa Fe Railway Company's main track; thence easterly to a point in the east line of the allotment of second class land to W. McKee in partition of said

Rancho Canon de Santa Ana, said point being 2,400 feet northerly measured along said east line of allotment to W. McKee, from its intersection with the center line of the Atchison, Topeka and Santa Fe Railway Company's main track; thence southerly along the said east line of allotment to W. McKee and its southerly extension to an intersection with the center line of Santa Ana Valley Irrigation Company's main canal; thence following the center line of said canal westerly to its intersection by the northerly extension of the east line of Tract 117 as per map recorded in Book 11, page 15 of Miscellaneous Maps, Records of Orange County, California; thence southerly 660 feet measured along the said easterly line to a point; thence southwesterly in a direct line to a point in the west line of Lot Twenty-two (22) of said Tract 117, said point being 500 feet southeasterly measured along said west line from the intersection of said west line of Lot Twenty-two (22) with the center line of the Santa Ana Valley Irrigation Company's main canal; thence northwesterly along said southwesterly line of Lot Twenty-two (22) to the center line of the Santa Ana Valley Irrigation Company's main canal; thence westerly along said center line of canal to its intersection with the center line of the state highway known as the Santa Ana Canyon Road; thence southwesterly along center line of said highway to its intersection with the north line of Lot Twenty (20) of said Tract 117; thence along the northerly and easterly lines of Lots Twenty (20) and Nineteen (19) of said Tract 117, to the southeast corner of said Lot Nineteen (19); thence in a direct line to a point in the south line of said Tract 117, said point being 600 feet westerly measured along said south line from the southeast corner of said Tract 117 and also being in the north line of Section Six (6), Township Four (4) South, Range Eight (8) West, San Bernardino Base and Meridian; thence westerly along section line to the northwest corner of said Section Six (6); thence southerly along the west line of said Section Six (6), 1,446.14 feet; thence southwesterly in a direct line to the most easterly corner of that certain 2.50 acre parcel as described in deed recorded in Book 262, page 73 of Deeds, Records of Orange County, California; thence southwesterly and northwesterly following the boundary line of said 2.50 acre parcel to the most westerly corner thereof; thence north to the center line of the Santa Ana Valley Irrigation Company's main canal; thence westerly along said center line of canal to the northeast corner of that 22.78 acre parcel described in deed recorded in Book 220, page 220, of Deeds, Records of Orange County, California; thence southerly along the easterly line of said 22.78 acre parcel to the northeast corner of that certain 5.75 acre parcel described in deed recorded in Book 261, page 208 of Deeds, Records of Orange County, California; thence southerly to the north corner of that certain 1.298 acre parcel described in deed recorded in Book 486, page 205 of Deeds, Records of Orange County, California; thence southerly and westerly along the easterly and

southerly boundaries of said 1.298 acre parcel to the southeast corner of said 5.75 acre parcel; thence westerly to the southeast corner of that certain 12.12 acre parcel as described in deed recorded in Book 261, page 206 of Deeds, Records of Orange County, California; thence westerly along the south line of said 12.12 acre parcel to the southeast corner of Domingues Estate as shown on map filed in Records of Survey Book 2, page 15, Records of Orange County, California; thence westerly along the south line of said Domingues Estate and south line of Tract 936 as per map recorded in Book 30, pages 1 and 2, Miscellaneous Maps, Records of Orange County, California, to the most southwesterly corner of Lot Seven (7) of said Tract 936; thence northerly and westerly along the westerly and southerly boundaries of said Lot Seven (7) to the most northerly corner of Lot Six (6) of said Tract 936; thence following the boundary of said Lot Six (6) southerly 113.94 feet, southwesterly 45.90 feet, southwesterly 242.05 feet to a corner in the easterly boundary of Lot Five (5) of said Tract 936; thence northwesterly in a direct line to a corner in the westerly boundary of said Lot Five (5), said corner being the northern terminus of a course in said westerly boundary of Lot Five (5) whose length is 1,623.87 feet; thence following the said westerly boundary of Lot Five (5), northwesterly 158.18 feet and northerly 494.72 feet to the northwest corner of said Lot Five (5); thence north to the center line of the Santa Ana Valley Irrigation Company's main canal; thence westerly following the center line of said Santa Ana Valley Irrigation Company's main canal to its intersection with the northerly extension of the most northerly course on the easterly boundary of Tract 59 as per map recorded in Book 10, page 18 of Miscellaneous Maps, Records of Orange County, California; thence southerly following the said northerly extension of said easterly boundary and the easterly and southerly boundary lines of said Tract 59 to the most southwesterly corner thereof; thence along the southerly boundary of Tract 58 as per map recorded in Book 10, page 6 of Miscellaneous Maps, Records of Orange County, California, to the most easterly corner of that certain 1.19 acre parcel as described in deed recorded in Book 311, page 213 of Deeds, Records of Orange County, California; thence following the southerly and westerly boundaries of said 1.19 acre parcel to the most northwesterly corner thereof; thence following the southerly boundary of said Tract 58 to the most westerly corner of said Tract 58, said corner being considered in the center line of the state highway known as the Santa Ana Canyon Road; thence following the center line of said state highway to its intersection with the northerly line of Olive Heights as per map thereof recorded in Book 19, page 18 of Miscellaneous Records of Los Angeles County, California; thence easterly along the northerly boundary of said Olive Heights to its intersection with the center line of Santa Ana Valley Irrigation Company's main canal; thence following the said center line

of main canal to the most northwesterly corner of that certain district described in that certain agreement by Villa Park Mutual Water Company as recorded in Book 359, page 473 of Official Records of Orange County, California; thence easterly following the northerly boundary of said district to the westerly line of Lot Two (2) of Tract 166 as per map recorded in Book 12, pages 9, 10 and 11 of Miscellaneous Maps, Records of Orange County, California; thence following the westerly, northerly, and easterly boundary lines of said Tract 166 to Station 52 as described in deed recorded in Book 355, page 98 of Deeds, Records of Orange County, California, said station being in the northerly boundary line of Serrano Irrigation District as described in Book 76, page 60 of Official Records of Orange County, California; thence in a general easterly direction following the boundary of said Serrano Irrigation District to its most easterly corner, being a common corner with the most northerly corner of the Carpenter Irrigation District as described in Book 74, page 223 of Official Records of Orange County, California; thence southeasterly, southerly and easterly following the boundary line of said Carpenter Irrigation District to its intersection with the north line of Tract 944 as per map recorded in Book 29, page 41 of Miscellaneous Maps, Records of Orange County, California; thence easterly, southerly and westerly following the northerly, easterly and southerly boundaries of said Tract 944 to the northeast corner of Tract 918 as per map recorded in Book 28, pages 41, 42, and 43 of Miscellaneous Maps, Records of Orange County, California; thence southerly, westerly southerly and easterly following the boundary of said Tract 918 to the northwest corner of Tract 931 as per map recorded in Book 29, page 27 of Miscellaneous Maps, Records of Orange County, California; thence easterly, southerly, and westerly following the northerly, easterly and southerly boundary of said Tract 931, to the southwest corner of Lot Eleven (11) of said Tract 931; thence southerly parallel to the east line of said Tract 918 one-half mile more or less to an intersection with the center line of the County Park Road; thence westerly along said center line of County Park Road to the said east line of said Tract 918; thence southerly, southwesterly, northwesterly, northerly, westerly, northwesterly, northeasterly, following the exterior boundary of said Tract 918, to an intersection with the exterior boundary of the said Carpenter Irrigation District, said point being 90 feet southeasterly of the northwest corner of Lot Seventy (70) of said Tract 918; thence following the exterior boundary of said Carpenter Irrigation District southwesterly and southerly, to the west corner of Lot One (1) of El Modena Citrus Lands, as per map thereof recorded in Book 6, page 32 of Miscellaneous Maps, Records of Orange County, California, said point being northeast corner of Lot Two (2) of said El Modena Citrus Lands; thence along the east line of said Lot Two (2) and Lots Four (4) and Five (5), the center line of adjacent road being considered as lot line, to the most north-

erly corner of Lot Six (6) of said El Modena Citrus Lands; thence southeasterly along the northeasterly line of Lots Six (6), Seven (7), Eight (8) and Nine (9) of said El Modena Citrus Lands, to the most westerly corner of that certain 2.75 acres parcel as described in deed recorded in Book 209, page 184 of Official Records of Orange County, California; thence northeasterly and southeasterly along the boundary of said 2.75 acre parcel to the most easterly corner of said parcel; thence northeasterly along the northwesterly line of Lot Eleven (11) of said El Modena Citrus Lands, to the most northerly corner of said Lot Eleven (11); thence southeasterly along the northeasterly line of Lots Eleven (11) and Twelve (12) of said El Modena Citrus Lands, to the most easterly corner of said Lot Twelve (12); thence northeasterly along the northwesterly boundary of Irvine's Subdivision of Ranchos San Joaquin and Lomas de Santiago and Flint and Bixby's allotment in Rancho Santiago de Santa Ana, as per map recorded in Book 1, page 88 of Miscellaneous Maps, Records of Orange County, State of California, to a point on said boundary line and located southwesterly a distance of one and one-half miles from the westerly corner of Block Twenty (20) of said Irvine's Subdivision; thence within said Irvine's Subdivision southeasterly to the most easterly corner of the northerly one-quarter of the westerly one-quarter of Block Sixteen (16) of said Irvine's Subdivision; thence southwesterly along the southeasterly line of said northerly one-quarter of the westerly one-quarter of said Block Sixteen (16) to the most southerly corner thereof; thence southeasterly along the northeasterly line of the southwesterly one-half of the southwesterly one-half of said Block Sixteen (16) to the southeasterly line of said block; thence southwesterly to the most southerly corner of said Block Sixteen (16); thence southeasterly along the northeasterly line of Block Forty-one (41) a distance of one-quarter mile, thence southwesterly one and one-half miles to the southerly corner of the northwesterly one-half of the northerly one-quarter of Block Forty-two (42); thence southeasterly one-half mile to the westerly corner of the southerly one-quarter of the easterly one-quarter of said Block Forty-two (42); thence northeasterly one-quarter mile to the northerly corner of said southerly one-quarter of the easterly one-quarter of said Block Forty-two; thence southeasterly three-fourths of a mile to the easterly corner of the southwesterly one-half of the northerly one-quarter of Block Sixty-six (66); thence southwesterly one-half mile to the northerly corner of the southwesterly one-half of the southerly one-quarter of said Block Sixty-six (66); thence southeasterly one-half mile to the easterly corner of said southwesterly one-half of the southerly one-quarter of said Block Sixty-six (66); thence southwesterly one-quarter mile to the southerly corner of said Block Sixty-six (66); thence southeasterly two miles to the easterly corner of Block One Hundred Six (106); thence southwesterly one-half mile to the southerly corner of the easterly one-quarter of said Block One

Hundred Six (106); thence southeasterly one and one-quarter mile to the westerly corner of southeasterly one-half of the northerly one-quarter of Block One Hundred Forty-two (142); thence northeasterly three-fourths mile to the northerly corner of the southerly one-quarter of the westerly one-quarter of Block One Hundred Forty-three (143); thence southwesterly one-quarter mile to the easterly corner of said southerly one-quarter of the westerly one-quarter of Block One Hundred Forty-three (143); thence southwesterly one-quarter mile to the southerly corner of said southerly one-quarter of westerly one-quarter of Block One Hundred Forty-three (143); thence southeasterly one-quarter mile to the easterly corner of the northwesterly one-half of the easterly one-quarter of said Block One Hundred Forty-two (142); thence southwesterly one-half mile to the southerly corner of said northwesterly one-half of the easterly one-quarter of Block One Hundred Forty-two (142); thence southeasterly one-quarter mile to the easterly corner of the southerly one-quarter of said Block One Hundred Forty-two (142); thence southwesterly one mile to the southerly corner of the easterly one-quarter of Block One Hundred Forty-one (141); thence southeasterly one-half mile to the center of Block One Hundred Fifty-four (154); thence southwesterly three miles to the center of Block One Hundred Fifty-seven (157); thence northwesterly one-half mile to the westerly corner of the northerly one-quarter of said Block One Hundred Fifty-seven (157); thence northeasterly one-quarter mile to the southerly corner of the easterly one-quarter of the easterly one-quarter of Block One Hundred Thirty-eight (138); thence northwesterly one-quarter mile to the westerly corner of said easterly one-quarter of the easterly one-quarter of Block One Hundred Thirty-eight (138); thence southwesterly one-half mile to the southerly corner of the northerly one-quarter of the southerly one-quarter of said Block One Hundred Thirty-eight (138); thence northwesterly one-half mile to the westerly corner of the easterly one-quarter of the westerly one-quarter of said Block One Hundred Thirty-eight (138); thence northeasterly one-eighth mile to the southerly corner of the northeasterly one-half of the northerly one-quarter of the westerly one-quarter of said Block One Hundred Thirty-eight (138); thence northwesterly one-half mile to the westerly corner of the northeasterly one-half of the easterly one-quarter of the southerly one-quarter of Block One Hundred Twenty-four (124); thence southwesterly three-eights mile to the southerly corner of the northwesterly one-half of the said southerly one-quarter of Block One Hundred Twenty-four (124); thence northwesterly one and one-quarter mile to the westerly corner of the southerly one-quarter of Block One Hundred Two (102); thence southwesterly three-fourths mile to the southerly corner of the northeasterly one-half of the westerly one-quarter of Block One Hundred One (101); thence northwesterly one-half mile to the westerly corner of said northwesterly one-half of the westerly one-quarter of Block One

Hundred One (101); thence southwesterly one-quarter mile to the southerly corner of Block Eighty-eight (88); thence northwesterly one-quarter mile to the easterly corner of the northerly one-quarter of the easterly one-quarter of Block Eighty-nine (89); thence southwesterly one-quarter mile to the southerly corner of the said northerly one-quarter of the easterly one-quarter of Block Eighty-nine (89); thence northwesterly one mile to the center of the easterly one-quarter of Block Fifty-nine (59); thence northeasterly one-quarter mile to the northerly corner of the easterly one-quarter of said easterly one-quarter of Block Fifty-nine (59); thence northwesterly one mile to the easterly corner of the northwesterly one-half of the easterly one-quarter of Block Forty-nine (49); thence southwesterly three-fourths of a mile to the easterly corner of the westerly quarter of the southerly quarter of said Block Forty-nine (49); thence northwesterly three-fourths of a mile in a direct line to the northerly corner of the southwesterly half of Lot 136 in Block Forty-nine (49) of said Irvine's Subdivision; thence northwesterly one-quarter mile in a direct line to the southerly corner of the northerly quarter of Lot 135 in Block Forty-nine (49) of said Irvine's Subdivision; thence northeasterly one-quarter mile to the easterly corner of the northerly quarter of said Lot 135; thence northwesterly one-half mile to the southerly corner of the northwesterly half of Lot 133 in Block Seven (7) of said Irvine's Subdivision; thence northeasterly one-half mile to the easterly corner of the northwesterly half of said Lot 133; thence northwesterly one-quarter mile to the northerly corner of said Block Seven (7) on the northwesterly boundary of said Irvine's Subdivision; thence southwesterly and following the boundary of Coastal Municipal Water District, one mile to the westerly corner of said Block Seven (7); thence southwesterly along said northwesterly boundary to a point 1259.6 feet northeasterly from the westerly corner of Block Six (6) of said Irvine's Subdivision; thence southeasterly to the most northerly corner of Tract 456 as shown on a map recorded in Book 17, page 9 of Miscellaneous Maps, Records of Orange County, California; thence following the courses by distances and bearing along the easterly exterior boundary of said Tract 456 to an intersection with the center line of Santa Ana Avenue as shown on said map; thence northeasterly to the westerly corner of the southerly one-quarter of said Block Six (6); thence three-fourths mile southeasterly to the easterly corner of the northwesterly one-half of the northerly one-quarter of Block Fifty-one (51) of said Irvine's Subdivision; thence southwesterly along the southeasterly boundary of the northwesterly one-half of the northwesterly half of said Block Fifty-one (51) to the northeasterly line of the southwesterly half of the southwesterly half of Block Fifty-one (51); thence northwesterly following the boundary of Coastal Municipal Water District along the said northeasterly line of the southwesterly half of the southwesterly half of Block Fifty-one (51) to the easterly corner of the southerly

quarter of Lot 151 in Block Five (5) of said Irvine's Subdivision; thence following the boundary of Coastal Municipal Water District, southwesterly along the southeasterly line of said Lot 151 to the mean high-tide line as established by decree of the Superior Court of Orange County in Case No. 20436 as recorded in Book of Judgments No. 19, page 309; thence westerly and southwesterly following the courses by distances and bearings along said mean high-tide line to an intersection with the southeasterly boundary line of Block Four (4) of said Irvine's Subdivision; thence southwesterly along the southeasterly boundary of said Block Four (4) to the intersection of the center line of Irvine Avenue with the center line of Twenty-third Street as shown on a map of Newport Heights recorded in Book Four (4), page 83 of Miscellaneous Maps, Records of Orange County, California; thence north 50° west one mile, along the center line of said Twenty-third Street to the northerly corner of Lot 155, in Block Four (4) of said Irvine's Subdivision, said corner being the intersection of the center line of Newport Avenue and Twenty-third Street, as shown on said map of said Newport Heights; thence north 40° east along the northwesterly line of said Irvine's Subdivision to an intersection of the center line of Newport Avenue, 60.00 feet in width lying southeasterly of and adjacent to the Southern Pacific Company right of way as shown on a map of Fairview Farms, recorded in Book 8, page 71 of Miscellaneous Maps, Records of Orange County, California, with the easterly prolongation of the north line of said Fairview Farms; thence westerly along the north line of said Fairview Farms to the center line of Harbor Boulevard, formerly known as Fairview Avenue, as shown on said map of Fairview Farms; thence northerly along the center line of said Harbor Boulevard to the north line of Lot A of the Banning Tract as shown on a map attached to the report of the referee's filed April 14, 1890, in the action of Hancock Banning et al. vs. Mary H. Banning, Case No. 6385 on the Register of Actions of the Superior Court of the State of California in and for the County of Los Angeles; thence westerly along the north line of Lot A of said Banning Tract to the east boundary line of the Talbert Drainage District; thence southerly along said east boundary line of the Talbert Drainage District to the north line of said Fairview Farms; thence westerly along the north line of said Fairview Farms to the northwest corner of Lot 75 of said Fairview Farms; thence southwesterly along the northwesterly line of said Lot 75 to the southwest corner thereof; thence easterly along the south line of said Fairview Farms to the northwest corner of land deeded to Edna Race Capron recorded in Book 1281, page 199 of Official Records, said corner being in the south line of said Fairview Farms and distant thereon 264.00 feet easterly from the intersection of said south line with the center line of Valley Road as shown on a map of Tract No. 653, recorded in Book 19, page 42 of Miscellaneous Maps, Records of Orange County, California; thence southerly along the west

line of the last aforesaid land of Edna Race Capron to the southwest corner thereof; thence easterly along the westerly prolongation of the center line of Nineteenth Street, as shown on a map of First Addition to Newport Mesa Tract, recorded in Book 8, page 6, of Miscellaneous Maps, Records of Orange County, California (said center line being the north line of said First Addition to Newport Mesa Tract) to the northwest corner of said First Addition to Newport Mesa Tract; thence south 19° 16′ 00″ west along the northwesterly line of said First Addition to Newport Mesa Tract to the most westerly corner of Lot 1304 of said First Addition to Newport Mesa Tract; thence south 29° 09′ 00″ east along the southwesterly line of said First Addition to Newport Mesa Tract and along the southeasterly extension of the southwesterly lines of Lot 919 of said First Addition to Newport Mesa Tract to the northwesterly line of said Irvine's Subdivision; thence south 40° 00′ 00″ west along the northwesterly line of said Irvine's Subdivision and along the southwesterly prolongation thereof to the ordinary high-tide line of the Pacific Ocean in Newport Bay and designated "North Line" and north bank of the Santa Ana River, as established by a decree in Court Case No. 23686 of the Superior Court in and for Orange County, California, a certified copy of which decree was recorded September 19, 1928 in Book 201, page 253, of Official Records; thence along the said north bank of the Santa Ana River the following courses and distances: North 74° 17′ 11″ west to an angle point therein; thence north 58° 28′ 28″ west 1,085.28 feet; thence north 66° 44′ 18″ west 584.64 feet; thence north 60° 19′ 50″ west 577.07 feet to the former southerly line of the California state highway having a width of 80.00 feet; said point bears south 5° 55′ 18″ east 1,113.01 feet from the northwest corner of the northeast quarter of Section 29, Township 6, South Range 10, West, S. B. B. & M.; said point of intersection also being 40.00 feet southerly of Engineer's Station 683+40.95 on the center of said highway; thence northwesterly in a straight line to the southerly end of that certain course in the boundary line of the Coastal Municipal Water District described as "South 4° 31′ 33″ east 439.77"; thence following the boundary line of said Coastal Municipal Water District the following courses and distances: north 4° 31′ 33″ west 439.77 feet; thence north 1° 35′ 57″ east 857.80 feet; thence north 21° 30′ 03″ west 544.00 feet; thence north 27° 46′ 03″ west 319.00 feet; thence north 44° 46′ 33″ west 337.15 feet; thence south 74° 07′ 27″ west 296.60 feet; thence south 51° 48′ 28″ west 194.20 feet; thence south 20° 07′ 27″ west 511.05 feet; thence south 44° 22′ 57″ west 241.88 feet; thence south 81° 50′ 57″ west 233.05 feet; thence north 76° 50′ 03″ west 225.30 feet; thence north 68° 22′ 03″ west 756.00 feet; thence south 84° 43′ 27″ west 258.27 feet to the intersection of the northeasterly prolongation of the southeasterly line of Summit Street as said street is laid out and shown on a map of Seashore Colony Tract, as recorded in Map Book 7, page 25 of Miscellaneous

Maps Records of Orange County, California with the north bank of the Santa Ana River; thence southwesterly along the northeasterly prolongation of the southeasterly line of said Summit Street and along said Summit Street and along the southwesterly prolongation of the southeasterly line of said Summit Street to the ordinary high-tide line of the Pacific Ocean; thence northwesterly along the ordinary high-tide line of the Pacific Ocean to the intersection of said line of ordinary high-tide with the northwesterly line of the Santa Ana Outfall Sewer right of way, said northwesterly line of the Santa Ana Outfall Sewer right of way being described as the northwesterly line of the strip of land 30.00 feet in width described in "Parcel-e" in the complaint in that certain action in the Superior Court of the State of California in and for the County of Orange, entitled "The City of Santa Ana vs. J. N. Hearn et al.," being Case No. 13753 in said court, said strip of land 30.00 feet in width being shown on the map attached to said complaint, and said northwesterly line of the Santa Ana Outfall Sewer right of way also being described in the order of possession entitled "Order," made and entered in said action on November 21, 1922, said "Order" being recorded in Book 1836, page 429 of Official Records of Orange County, California; thence South 40° 00′ 00″ west three miles more or less to a point in the Pacific Ocean, said point being three miles from the said line of ordinary high-tide; thence northwesterly and parallel with the said line of ordinary high-tide and distant three miles therefrom to a point on the southwesterly extension of the northwesterly line of Rancho La Bolsa Chica, as shown on licensed surveyor's map filed in Book 3, page 45 of Records of Survey in the Office of the County Recorder of Orange County, California; thence northeasterly along the said extension of the northwesterly line of said Rancho La Bolsa Chica to the line of ordinary high-tide of the Pacific Ocean; thence northwesterly along said ordinary high-tide line of the Pacific Ocean to the point of beginning.

Divisions. Said district is hereby divided into 10 divisions which shall be numbered first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth, and one director shall be elected or appointed as hereinafter provided from each division. Said 10 divisions are more particularly bounded and described as follows, to wit:

First First Division: Division No. 1 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Loara, Katella and Garden Grove School Districts.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Second Division: Division No. 2 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949; Olive, Villa Park, Orange, El Modena and that portion of Tustin School District lying Northwesterly of Newport Boulevard or any extension thereof. Second

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Third Division: Division No. 3 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Yorba Linda, Placentia, Fullerton and Anaheim School Districts. Third

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Fourth Division: Division No. 4 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Buena Park, Orangethorpe, Centralia, Magnolia, Savanna, Cypress, Laurel, Alamitos, Westminster and Seal Beach School Districts. Fourth

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Fifth Division: Division No. 5 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: San Joaquin School District and that portion of the Tustin School District lying southeasterly of Newport Boulevard or any extension thereof. Fifth

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Sixth Division: Division No. 6 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Ocean View, Fountain Valley and Huntington Beach School Districts. Sixth

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Seventh

Seventh Division: Division No. 7 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District, that is located within the boundaries of the following named school districts as said districts are described in the official records of the Board of Supervisors of Orange County on July 8, 1949: Costa Mesa, Paularino, Santa Ana, Diamond and Greenville School Districts.

Excepting therefrom any area of said school districts which may be within the boundaries of the municipal corporations known as the Cities of Santa Ana, Anaheim and Fullerton.

Eighth

Eighth Division: Division No. 8 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the municipal corporation known as the City of Santa Ana as it existed at 12 o'clock noon, March 6, 1953, or as it may hereafter exist.

Ninth

Ninth Division: Division No. 9 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the municipal corporation known as the City of Anaheim as it existed at 12 o'clock noon, March 6, 1953, or as it may hereafter exist.

Tenth

Tenth Division: Division No. 10 shall comprise all that area included within the exterior boundary of the aforesaid Orange County Water District that is located within the boundaries of the municipal corporation known as the City of Fullerton as it existed at 12 o'clock noon, March 6, 1953, or as it may hereafter exist.

Annexations, etc

Annexations to or enlargements of municipal corporations which constitute Divisions 8, 9 and 10 shall become part of the division which said municipal corporation constitutes without further act of said district; provided, however, that if said annexations or enlargements include land which is not already a part of said district, such land may be included within said district and said division only by inclusion proceedings as provided in this act.

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

Powers Generally

Sec. 2. The "Orange County Water District" 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;

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

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

5. Within or outside of the district to construct, purchase, lease, or otherwise acquire, and to operate and maintain necessary waterworks and other works, machinery and facilities, canals, conduits, waters, water rights, spreading grounds, lands, rights and privileges useful or necessary to replenish the underground water basin within said district, or to augment the common water supplies of said district; Acquire, etc., waterworks, etc

6. For the common benefit of said district, to store water in underground water basins or reservoirs within or outside of said district, to appropriate and acquire water and water rights within or outside of said district, to purchase and import water into said district, and to conserve water within or outside of said districts; to sell water imported from outside the district from sources other than the Santa Ana River or its tributaries for beneficial use within said district, at such rates as shall be determined by the board of directors of the district; provided, that such rates shall not be less than the cost thereof, including the cost of delivery; Store water, etc

7. To carry out the purposes of this act, to commence, maintain, intervene in, defend and compromise, in the name of said district, or otherwise, and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to prevent interference with water or water rights used or useful to lands within said district, or diminution of the quantity or pollution or contamination of the water supply of said district, or to prevent unlawful exportation of water from said district, or to prevent any interference with the water or water rights used or useful in said district which may endanger or damage the inhabitants, lands or use of water in said district; provided, however, that said district shall not have power to intervene or take part in, or to pay costs or expenses of actions or controversies between the owners of lands or water rights all of which are entirely within the boundaries of said district and which do not involve pollution or contamination of water within said district or exporting water outside of said district's boundaries or any threat thereof. Prevention of interference with water, etc

8. 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 the exercise of any of the powers granted by this act, except that said district shall not have the right of eminent domain as to water, water rights, reservoirs, pipe lines, water distributing systems, waterworks, or power plants, all or any of which are already devoted to beneficial or public use and located within the watershed of the Santa Ana River, and excepting further from the exercise of the right of eminent domain by said district any property maintained and actually used for the scientific propagation and study of plant life. No language or provision of this act, or of this subdivision, shall be interpreted or construed so as to limit or abridge the right of said district, or its board of directors, to exercise its right of eminent domain to condemn property at any place within the Eminent domain

Santa Ana River watershed for rights of ways upon and across and under which to construct pipe lines, conduits, tunnels and/or aqueducts necessary or convenient for any of the purposes of said district provided the property sought to be condemned for said purposes is not already being used by other corporations, municipalities, districts or individuals for similar purposes; providing, however, that neither said district nor its board of directors shall have power to enter in or upon the Mojave River or any of its tributaries or appropriate, take or condemn any of the water or the right to the use of any of the water of said Mojave River or any of its tributaries; nor shall anything in this act be deemed as authorizing or empowering said district or its board of directors to so do. Subject to the express limitations hereinbefore set out, in any proceedings relative to the exercise of such right of eminent domain, said district shall have the same rights, powers and privileges as a municipal corporation;

Cooperate with State and Federal Governments

9. The district, shall in addition to the other powers herein granted by this act, have the following rights and powers: To act jointly with or cooperate with the United States or any agency thereof, the State of California or any agency thereof, any county of the State of California, districts of any kind, public and private corporations, and any person or persons, to carry out the provisions and purposes of this act; in such joint or cooperative activities, said district may act within or outside of its boundaries;

Levy assessments, etc

10. To cause assessments and/or charges to be levied as hereinafter provided to accomplish the purposes of this act;

Contracts, etc

11. To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers;

Investigations

12. To carry on technical and other investigations of all kinds, necessary to carry out the provisions of this act, and for this purpose said district shall have the right of access through its authorized representative to all properties within said district.

SEC. 3. Section 6 of said act is amended to read:

Board action by resolution

SEC. 6. A majority of the members of the board shall constitute a quorum for the transaction of business. The board of directors shall act only by resolution or motion. Resolutions and motions may be adopted by a voice vote, but on demand of any member the roll shall be called. No motion or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. Any hearings or meetings held by said district or its board of directors as required by this act or in carrying out the provisions of this act may be continued or adjourned from time to time. Each director shall receive the sum of ten dollars ($10) and a reasonable sum for mileage to be fixed by the board from time to time for each meeting of the board of directors attended by him. A director shall receive additional compensation not exceeding twenty dollars ($20) per day as shall be fixed and allowed by the board from time to time for his services while

Compensation of directors

otherwise employed by authority of the board on the business of the district; also subject to approval of the board, reasonable compensation for all traveling and other expenses, including mileage incurred by him in such employment.

SEC. 4. Section 9 of said act is amended to read:

Sec. 9. The provisions of this section shall not apply to Divisions 8, 9 and 10 of said district, where the directors therefrom are appointed as provided elsewhere in this act. Exemptions

Only the holders of title to lands situated within said district or to assessable rights in said lands, or to improvements on said lands, shall be entitled to vote at any election held under the provisions of this act, and every such holder of title shall be entitled to vote in person or by proxy as hereinafter provided in each division of said district in which any of the lands, including assessable rights therein or improvements thereon, owned by him are situated, and to cast one vote for each one hundred dollars ($100) or fraction thereof worth of land including assessable rights therein or improvements thereon, in each said division so owned by him. Qualifications for electors

The boundaries of the respective divisions, for the purpose of nomination and election of directors, as provided in this section, shall be the boundaries of said divisions as they shall exist as provided by Section 1 of this act, on the first Tuesday of December preceding the date of election.

Such ownership and value shall be determined from the last equalized assessment roll of said Orange County, and the board of supervisors of said county, prior to each election held under the provisions of this act, at the expense of said district, shall cause to be prepared and certified and furnished to the board of election at each voting place, a true and correct copy of the entries upon the last equalized assessment rolls of said county, so far as such assessment rolls apply to the lands within said district, to the extent of showing the names of each owner, and the assessed value of the land owned by each in each division in said district, which said certified entries from said rolls shall be used by said boards of election in determining the number of votes each voter is entitled to cast. List of electors

Where land is owned by two or more persons, the votes shall be divided in accordance with the interests of each owner. Where land is assessed to unknown owners or anyone other than the true owner, any person producing a certificate of a title insurance or abstract company certifying the true ownership of such land at the date of the election, or at any time within five days previous thereto, accompanied by an affidavit of the person certified to be the owner that he is the owner of the property at the time of the election, said person so certified to be the owner shall be entitled to vote in like manner as if his name appeared upon the assessment rolls as above mentioned. Certified owners

Where corporations or partnerships appear as the owners of property, the votes of such owners shall be cast by any person holding a proxy from such corporation or firm. Executors, ad- Corporations and partnerships

ministrators, special administrators and guardians and trustees may cast the votes of the estates represented by them upon filing with the board of election a certified copy of their letters testamentary or of administration or guardianship or of appointment as trustee. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing duly acknowledged and certified in the same manner as grants of real property, and filed with the board of election.

Plural voters

If any voter qualifies under this act in more than one voting precinct in any division of said district, he shall cast all of the votes which he is entitled to cast in said division at one voting precinct therein.

Conduct of election

Said election shall be conducted in accordance with the general election laws of this State so far as applicable, and except as herein otherwise provided. The election officer in delivering to each voter his ballot shall ascertain and write upon the ballot the number of votes the holder of the ballot is entitled to cast, and in canvassing the returns shall see to it that the number of votes cast does not exceed the number of votes such voter was entitled to cast, but if there is an excess, the ballot shall not be disregarded or invalidated, but only the number which the voter was entitled to cast shall be counted. The election officers shall publicly count the votes immediately after the close of the election, and forthwith make a report of the result of said election to the board of directors of said district.

SEC. 5. Section 10 of said act is amended to read:

Nomination of candidates

Sec. 10. Not less than 60, nor more than 90 days before any election held for the purpose of electing directors for said district from Divisions 1 to 7, inclusive, 25 or more qualified voters under this act residing in such a division of said district may file with the secretary of said district, a petition, requesting that the name of a certain person, specified in said petition, be placed on the ballot as candidate for the office of director from said division of said district. Any number of candidates may be so nominated. In the event there is more than one person so nominated, in any of said divisions, the names proposed by the various petitions so filed, and no others, shall be printed on the ballots, but there shall be a blank space left in which voters may at the election write in other names if they so desire. The petitions shall be preserved at least one year after they are filed in the office of the secretary of said district.

SEC. 6. Section 12 of said act is amended to read:

Election date

Sec. 12. Subject to the provisions of Section 14.1 hereof, an election shall be held on the first Tuesday in March of each odd numbered year, in those divisions of 1 to 7 inclusive, at which directors for said district shall be elected to fill the offices of the directors whose terms of office shall expire on the second Wednesday in March thereafter, in accordance with the provisions of this act. The person receiving the highest number of votes for the office of director in a division is elected director from that division.

In Divisions 8, 9 and 10 of said district, the governing body of the city comprising each such division shall appoint the director to represent such division upon the board of directors, to serve at the pleasure of such governing body. Within 60 days after the amendment to this act shall take effect, the governing bodies of all of such cities shall appoint such director who shall qualify in all matters as an elected director.

Vacancies

Vacancies occurring in the board of directors by reason of death, resignation or otherwise, shall be filled by appointment by the remaining directors in office, except that if the vacancy is that of an appointed director, the appointing body shall appoint a successor. A director so appointed shall hold office for the unexpired term of his predecessor. Within 10 days after receiving their respective certificates of election, or notice of appointment, each person who shall be elected or appointed to the office of director shall qualify as such by taking and subscribing an official oath of office and filing the same with the secretary of said district.

Directors bonds

Each director shall execute an official bond in the sum of one thousand dollars ($1,000) which shall be approved by a judge of the Superior Court of the County of Orange, and shall be recorded in the office of the county recorder of such county, and then, together with his official oath, filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of the county officers.

Bond premiums

Premiums for bonds required by this act shall constitute a proper charge against said district.

SEC. 7. Section 13 of said act is amended to read:

Organization, terms, etc., of board

Sec. 13. On the second Wednesday in March next following their election, the directors elected at that election, those whose terms have not expired and those appointed, shall meet and organize as a board, elect a president and vice president, and may appoint a secretary or assistant secretary, who shall each hold office during the pleasure of the board. Each director appointed or elected shall hold office until his successor is elected, or appointed, and has qualified. The term of office of each elected director is hereby fixed at four years, except as herein otherwise provided. The office of said district shall be established by the board of directors at some proper and convenient place within the County of Orange, but does not have to be established or maintained within said district. After the office is once established, it shall not be changed without giving notice thereof by posting in three public places within said district and by publishing a similar notice at least once a week for two weeks in some newspaper of general circulation published in said Orange County.

The secretary and assistant secretary of said district need not be one of the directors. The salary of the secretary and assistant secretary and amount of the bond to be given for the faithful performance of his duties shall be fixed by the board of directors. The bond of the secretary and assistant secretary

of said district shall be recorded in the office of the recorder of said Orange County and then filed with the president of the board of directors of said district.

SEC. 8. Section 14 of said act is amended to read:

Directors Election where more than one nominee

Sec. 14. If more than one director is nominated for the office of a member of the board of directors for any division where a director is to be elected as provided in this act, the board of directors of said district at a meeting of said board to be held not less than 30 days before the time for a biennial election of the director, shall, by resolution duly adopted, call an election to be held in the division of said district where a director is to be elected for the purpose of electing a director therefor. In the resolution the board shall designate the day of said election, a convenient election precinct or precincts in each division, and the polling place in each precinct. The board shall appoint an election board for each precinct consisting of one inspector, one judge and one clerk, and shall prescribe the hours during which the polls shall be open on the day of the election which shall not be less than eight hours. The board shall cause notice of said election to be given by posting notices thereof in three public places in each such division, to be posted at least 20 days prior to said election, and by publication of said election notice for at least three successive weeks previous to the day of election in a newspaper published in said district. Said election shall be conducted as nearly as practicable in accordance with the general election laws of the State, but no particular form of ballot shall be required, and no sample ballots need be mailed. The board of directors shall provide ballots and election supplies for each precinct.

SEC. 8a. Section 14.1 is added to said act, to read:

Only one nominee

Sec. 14.1. If, on the sixtieth day prior to the date fixed for the biennial election of directors, only one person has been nominated for election as director for any division, as provided in Section 10 hereof, the board of directors of the district shall, at the next regular meeting, by resolution entered in their minutes, order that an election shall not be held for such division, and shall declare the person nominated, if otherwise qualified, the director for said division. The person shall thereupon qualify, take office, and serve exactly as if elected at a regular biennial election.

In such case the posting and publication of notice provided for in Section 14 shall, instead of giving notice of an election in such division, state that no election is to be held, but that the board of directors of the district has declared the person so nominated a director of said division for the ensuing term, as provided by the act.

SEC. 9. Section 15 of said act is amended to read:

Canvass of votes, etc

Sec. 15. The board of directors shall meet on the second Wednesday in March next following said election and canvass the votes cast thereat and shall declare the persons receiving respectively the highest number of votes in each division at

said election to be duly elected directors of said district from the respective divisions, and in the event of a tie vote, in the same manner and with like notice, shall call another election in any division where the vote is tied and so proceed until a director is elected from said division.

At the first meeting of the board of directors of said district following receipt of a certificate of appointment of a director from Division 8, 9 or 10, the board of directors shall declare to be duly appointed as a director of said district, all such directors certified as appointed by the governing body of the city comprising each such division.

SEC. 10. Section 16 of said act is amended to read:

Statement of financial condition

Sec. 16. The board of directors at their regular monthly meeting in September of each year shall render and immediately thereafter cause to be filed with the secretary and posted conspicuously in the office of said district a verified statement of the financial condition of said district, showing in detail the receipts and disbursements during the last preceding year, together with the sources of said receipts and purposes of said disbursements. A summary of said statement shall be published at least once a week for two weeks in some newspaper published in said district, and shall refer to the itemized statement filed and posted in the office of said district for further particulars.

For the purpose of rendering such statement, said district shall designate a certified public accountant who shall make an independent audit of the accounts and other evidences of financial transactions of the district during the preceding year. Such certified public accountant shall have no personal interest directly or indirectly in the financial affairs of said district.

SEC. 11. Section 26 of said act is amended to read:

Engineering report
Notice of hearing

Sec. 26. On the second Wednesday in March of each year, the engineering investigation and report shall be delivered to the secretary of said district in writing. Said secretary shall publish a notice of the receipt of such report and of the public hearing to be held on the second Wednesday of April in a newspaper of general circulation, printed and published within said district, at least 10 days prior to the date at which the public hearing regarding ground water conditions shall be held. Said notice, among other information which the district may provide therein, shall contain an invitation to all operators of water producing facilities within said district to call at the offices of said district to examine said engineering investigation and report.

Hearing

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

Findings

shall, before the levy of the replenishment assessments, find and determine the average annual overdraft for the immediate past 10 water years; the estimated annual overdraft for the current water year; the estimated annual overdraft for the ensuing water year; the accumulated overdraft as of the last day of the preceding water year; the estimated accumulated overdraft as of the last day of the current water year; the amount of water which should be purchased for the replenishment of the ground water supplies of said district for the ensuing water year, and the sum of money necessary therefor.

Such finding and determination by said board shall be conclusive and binding upon all persons and parties.

SEC. 12. Section 29 of said act is amended to read:

Information water production statements

Sec. 29. Each operator of a water producing facility within said district shall file with said district on or before February 15, 1954, an information water production statement. Such statement shall provide, among other information which said district may require, an estimate of the total production of water from each water producing facility for the preceding water year, an estimate of the production of water from each water producing facility for the current water year, an estimate of the production of water from each water producing facility for the ensuing water year and information as to the method or basis of making such estimates. Each operator of a water producing facility within said district shall file with said district on or before the thirty-first day of January, 1955, and on or before the thirty-first day of July, 1955, and thereafter on a semiannual basis on or before the last day in January and July of each year, a statement setting forth the total production in acre-feet of water for the preceding six months period (excluding the month in which the statement is due), a general description or number locating each water producing facility and the method or basis of the computation of such water production. Said statement shall be verified by a written declaration that it is made under the penalties of perjury. The replenishment assessment is payable to said district on or before the last date which the water production statements shall be filed and is computed by multiplying the production in acre-feet of water as disclosed in the statement, by the replenishment assessment rate.

Failure to pay replenishment assessment

If any operator of a water producing facility shall fail to pay the replenishment assessments when due, said district shall charge interest at a rate of 1 percent each month on the delinquent amount of the replenishment assessment.

Failure to register water producing facility, etc

Should any operator of a water producing facility fail to register each water producing facility or fail to file on or before the thirty-first day of January and the thirty-first day of July of each year the water production statement, said district shall in addition to charging interest as provided herein assess a penalty charge against such operator in an amount of 10 percent of the amount found by said district to be due.

The board of directors may, at the time of fixing the replenishment assessment rate, provide by resolution that the operator of any water producing facilities having a discharge opening not greater than two inches in diameter and which do not provide domestic or irrigation water for an area in excess of one acre may pay a fixed amount as their replenishment assessment, in lieu of filing a sworn statement as to the production of ground water. Replenishment assessment rate

SEC. 13. Section 30 of said act is amended to read:

Sec. 30. Upon good cause shown an amended statement of water production may be filed or a correction of the records may be made at any time prior to the final date for filing the next semiannual water production statement. Amended statement of water production

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CHAPTER 1281

An act to repeal Section 14390 of the Government Code, relating to state contracts.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.] In effect September 7, 1955

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

SECTION 1. Section 14390 of the Government Code is repealed.

CHAPTER 1282

An act to amend Section 1012 of the Military and Veterans Code, relating to the veterans' home.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.] In effect September 7, 1955

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

SECTION 1. Section 1012 of the Military and Veterans Code is amended to read:

1012. The home is for aged and disabled persons who served in the Armed Forces of the United States during a war period as defined by law; who were discharged under honorable conditions from such service, and who are eligible for hospitalization or domiciliary care in a veterans' facility in accordance with the rules and regulations of the United States Veterans Administration, and who have been bona fide residents of this State for 10 years immediately preceding the date of application. The property of the home shall be used for this purpose. The provisions of this section shall not be retroactive.

CHAPTER 1283

An act to amend Sections 35104, 35108, 35250, 35251, 35257, 35258, 35402, 35404, 35406, 35411, 35412, 35413, 35418, 35423, 35428, 35560, 35565, and 35704 of the Streets and Highways Code, to repeal Section 35401 of said code, and to add Sections 35113, 35108.5, 35275, 35276, 35402.1, 35402.2, 35402.3, 35414.1, 35566, and 35706 to said code, relating to districts formed under the Parking District Law of 1951.

In effect September 7, 1955

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 35104 of the Streets and Highways Code is amended to read:

"Net revenues"

35104. "Net revenues," as used with reference to a parking meter, means the revenues remaining after deductions for the cost of acquiring the meter and the cost of its maintenance, operation, repair, and servicing, and the cost of collecting the revenues therefrom, without allowance for depreciation or obsolescence.

SEC. 2. Section 35108 of said code is amended to read:

Authorized acts

35108. In addition to matters specified elsewhere in this part, the acts authorized under this part include the following:

(a) The formation of districts.

(b) 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.

(c) The improvement of any acquired land by the construction thereon of garages or other buildings or improvements of any kind or nature necessary or convenient for parking purposes.

(d) The improvement by grading, paving, draining, lighting, or otherwise of any parking place and any streets, alleys, lanes, or walks necessary or convenient for ingress to and egress from parking places.

(e) 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 the bonds.

(f) The administration, maintenance, and operation of parking places acquired under this part.

(g) The fixing and collection of rentals, fees, and charges for the use of parking places and the use of moneys derived from the rentals, fees, and charges.

(h) The contribution by cities of money for the acquisition and improvement of the 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 any of the purposes specified in this part, and the making of covenants and agreements with the bondholders to install and maintain such meters.

(i) The employment of engineers, attorneys, and other persons necessary or convenient for the doing of any act authorized by this part.

(j) The acquisition of property by gift, purchase, or eminent domain. 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.

(k) The doing of all acts and things necessary or convenient for the accomplishment of the purposes of this part. The enumeration of specific authority in this part does not limit in any way the general authority granted by this subdivision.

(*l*) Any bonds issued pursuant to this part, and the interest on them, may be payable from gross or net revenues from the operation of the parking place or places acquired or improved with the bond proceeds, and may also be payable from all or part of the net revenues from parking meters on some or all of the public ways in the district. To the extent permitted by the provisions of this part, the bonds may also be payable from ad valorem assessments levied upon real property in the district within the limits provided in this part. Neither the city nor any of its officers shall be held otherwise liable for the payment of the principal and interest.

SEC. 3. Section 35108.5 is added to said code, to read:

35108.5. To expedite the making of any such acquisition and improvement, the legislative body may, at any time, transfer into the acquisition and construction fund, out of available funds, such sums as may be deemed necessary, and make such acquisitions or improvements or both, and pay such incidental expenses therefrom as deemed advisable, and such sums so transferred shall be deemed a loan to such special fund, and shall be repaid from the proceeds of the bonds. Transfer of sums

SEC. 4. Section 35113 is added to said code, to read:

35113. The curative clauses of this part are cumulative and each is to be given full effect. Effect of curative clauses

SEC. 5. Section 35250 of said code is amended to read:

35250. The formation of a parking district may be proposed by petition signed by the owners of real property in the proposed district, as shown by the last equalized assessment roll, owning real property of an assessed value of not less than fifty-one percent (51%) of the total assessed value of all taxable real property in the district, as shown by the assessment Petition Signatures

roll, and owning taxable land in the proposed district constituting not less than fifty-one percent (51%) of the total area of all taxable land in the district.

SEC. 6. Section 35251 of said code is amended to read:

Contents

35251. The petition shall contain:

(a) A general description of the boundaries of the proposed district.

(b) A general description of the parking places proposed to be acquired. The parking places must be within the boundaries of the proposed district.

(c) A general description of any public ways proposed to be acquired for ingress to or egress from the parking places.

(d) A general statement of the improvements to be made or constructed on the proposed parking places, the public ways proposed to be acquired, or existing public ways which would provide ingress to or egress from the proposed parking places.

(e) Any limits as to time and rate upon ad valorem assessments which may be levied upon taxable real property in the district for the purposes permitted by this part. The limits as to time shall not exceed 36 years from the date of the bonds, and the limits as to rate shall not exceed seventy-five cents ($0.75) on each one hundred dollars ($100) of assessed valuation.

(f) Any amount of money which it is proposed that the city contribute toward the cost and expense of the acquisitions and improvements proposed by the petition, toward the payment of incidental expenses of the proceedings hereunder, for the establishment of a reserve fund for the payment of the bonds and the interest thereon, or for other purposes in connection with the district.

(g) 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 any of the purposes specified in this part, and the period of time, measured from the date of the bonds, for which it is proposed that the city agree to maintain the meters. If it is proposed that only a specified amount, percentage, or portion of the net revenues shall be so allocated and pledged, the amount, percentage or portion shall be generally defined.

SEC. 7. Section 35257 of said code is amended to read:

Approval

35257. The legislative body shall either approve the petition or reject it. If it approves the petition, it shall direct the city engineer or other competent person to make and file

Report

with it a report showing the following:

(a) 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.

(b) 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 main-

taining the parking places exclusive of principal and interest on the bonds to be issued.

(c) 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 any of the purposes specified in this part.

(d) The total assessed value of the real property within the proposed district as shown on the last equalized assessment roll.

SEC. 8. Section 35258 of said code is amended to read:

35258. Upon the filing of the report, the legislative body may adopt a resolution declaring its intention to form a parking district. The resolution shall contain substantially the following: Resolution. Contents

(a) The name of the proposed district.

(b) A description of its boundaries. 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 its details.

(c) 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 the clerk for a further description of what is proposed to be done.

(d) The estimates of costs, expenses, and revenues, and the assessed value of real property in the proposed district, as set forth in the report.

(e) The amount to be contributed by the city as proposed by the petition and agreed to by the legislative body.

(f) An estimate of the amount of the bonds proposed to be issued, the maximum number of years the bonds are to run, and the maximum rate of interest to be payable thereon not in excess of six percent (6%) a year.

(g) The limits, as stated in the petition, as to time and rate upon any ad valorem assessments which may be levied upon taxable real property in the district for the purposes permitted by this part.

(h) A general statement of the public ways within the district on which the city, as proposed by the petition, will install and maintain, or continue to maintain parking meters, the net revenues from which will be allocated and pledged to any of the purposes specified in this part, and the period of time, measured from the date of the bonds, for which the city will agree to maintain the meters If it is proposed that only a portion of the net revenues be so allocated and pledged, such portion shall be generally defined.

(i) The time and place for the hearing on the proposed formation of the district and the time within which and the place where protests may be filed.

(j) The resolution shall make reference to the report on file in the office of the clerk.

SEC. 9. Section 35275 is added to said code, to read:

Objections or protests

35275. Any objections or protests not made at the time and in the manner provided in this chapter are deemed waived voluntarily. Proceedings under this chapter shall not be attacked after the conclusion of the hearing upon any ground not stated in an objection or protest filed pursuant to this chapter.

SEC. 10. Section 35276 is added to said code, to read:

Time limitation on maintaining actions

35276. No action, proceeding or defense to correct, set aside, cancel, avoid, annul or otherwise attack any proceedings under this part up to and including the adoption of the ordinance declaring the district formed shall be maintained by any person unless such action, proceeding or defense is commenced or made within 30 days after the adoption of such ordinance. No action, proceeding or defense to correct, set aside, cancel, avoid, annul or otherwise attack any proceedings under this part taken subsequent to the adoption of said ordinance, including but not limited to proceedings taken and determinations made pursuant to Sections 35402.1 and 35402.3, shall be maintained by any person unless such action, proceeding or defense is commenced or made within 30 days after the taking of such proceedings.

Repeal

SEC. 11. Section 35401 of said code is repealed.

SEC. 12. Section 35402 of said code is amended to read:

Bond issue

35402. 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 option or by a judgment, the legislative body may by ordinance, resolution, or indenture provide for the issuance of bonds of the district in an amount not exceeding that necessary to make the proposed acquisitions and improvements, to pay the incidental expenses in connection therewith and the proceedings therefor and to establish a reserve fund for the payment of the principal of and interest on the bonds, and for working capital and interest during the period of construction and for a period of not to exceed six (6) months thereafter, less any amount to be contributed by the city for such purposes.

SEC. 13. Section 35402.1 is added to said code, to read:

Same Alternative procedure

35402.1. As an alternate procedure to that prescribed in Sections 35400 and 35402, the legislative body may issue bonds as provided in this part when the city has contracted or obtained options for the purchase of, or has obtained condemnation judgments covering, that portion of the land, property and rights of way to be acquired having an assessed value as shown on the last equalized assessment roll of at least 80 percent of the assessed value of all land, property and rights of way to be acquired. Before issuing bonds under this section the legislative body shall give notice of its inten-

tion to do so by two insertions in the newspaper in which the resolution of intention was published. Said notice shall specify a time for hearing objections to proceedings under this section which shall not be less than twenty (20) days after the completion of such publication. At said hearing the legislative body shall hear and pass upon all objections and shall not issue bonds under this section unless following such hearing it shall determine that all of the territory within the district will be benefited by the acquisition of that portion of the land, property and rights of way which the city so has under contract, option or condemnation judgment. The decisions of the legislative body shall be final and conclusive. The legislative body may then by ordinance, resolution or indenture provide for the issuance of bonds of the district in an amount estimated to be necessary to make all of the proposed acquisitions and improvements and to pay the additional items specified in Section 35402.

SEC. 14. Section 35402.2 is added to said code, to read:

35402.2. If at any time the legislative body finds that the proceeds of the bonds first issued will be insufficient to make all of the acquisitions and improvements described in the ordinance declaring the district formed and to pay the additional items specified in Section 35402, it may at one time or from time to time issue additional bonds to the extent permitted by the provisions, conditions and covenants contained in the ordinances, resolutions or indentures providing for the issuance of any bonds previously issued. Additional bonds

SEC. 15. Section 35402.3 is added to said code, to read:

35402.3. If at any time, either before or after issuing bonds, the legislative body so determines, it may at one time or from time to time eliminate, change or otherwise modify any of the proposed acquisitions and improvements after notice and hearing as provided in Sections 35270 to 35273 but no such elimination, change or modification shall be made unless following such hearing the legislative body shall determine that all of the territory within the district will be benefited by the acquisitions and improvements remaining after such elimination, change or modification. Modification, etc

SEC. 16. Section 35404 of said code is amended to read:

35404. The bonds shall all mature within 35 years after the date thereof and shall be payable at the times and at the place to be fixed by the legislative body and designated in the bonds. Bonds Maturity, etc

SEC. 17. Section 35406 of said code is amended to read:

35406. The bonds shall be issued in the denomination of one thousand dollars ($1,000) each, payable on the day and at the price fixed in the bonds, with interest at the rate specified in the bonds. The interest rate shall not be in excess of the maximum stated in the resolution of intention and shall be paid semiannually, except the first interest coupon may be for a different period. Denomination, interest rate, etc

SEC. 18. Section 35411 of said code is amended to read:

Terms

35411. The bonds shall state in substance that:

(a) The bond and interest are payable solely from:

(1) The gross or net, as the case may be, revenues from the operation of the parking place or places acquired and improved with the proceeds, if such is the case.

(2) The net revenues, or a portion thereof, from parking meters on certain public ways within the district, if such is the case.

(3) To the extent provided in this part, from a limited (stating the limits) ad valorem assessment to be levied upon taxable real property in the district, if such be the case.

(b) Neither the city nor any of its officers is to be held otherwise liable for its principal or interest.

SEC. 19. Section 35412 of said code is amended to read:

Ordinance, etc., provisions Maintenance of facilities

35412. The ordinance, resolution, or indenture providing for the issuance of the bonds may also provide for the maintenance and operation of the parking facilities, for the fixing and collecting of rentals, fees and charges for the use of parking facilities, for the establishment of a special fund into which all revenues derived from the operation of the parking facilities shall be placed, for the use of moneys in this fund for payment of the expenses of operating and maintaining the parking places, for the payment of the bonds and the interest thereon, or for the establishment and maintenance of any reserve funds, sinking funds or other funds designed for securing or paying the bonds and the interest thereon.

Disposition of revenues

SEC. 20. Section 35413 of said code is amended to read:

Installation, etc., of parking meters

35413. The ordinance, resolution, or indenture providing for the issuance of the bonds may also provide for the installation of parking meters on the public ways within the district, to the extent they have not already been installed, for the maintenance of meters on the public ways for the period of time specified in the resolution of intention, for the fixing and enforcement of parking meter rates, for the establishment of a special fund 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 the net revenues, or portion thereof, to the payment of the bonds and the interest thereon, to the payment of operation and maintenance costs of the parking facilities, and to the establishment and maintenance of any reserve funds, sinking funds or other funds designed for securing or paying bonds and the interest thereon.

SEC. 21. Section 35414.1 is added to said code, to read:

Ad valorem assessments

35414.1. If the petition for the formation of a district and the resolution of intention to form the district state that this section shall apply to proceedings taken pursuant thereto, then the ordinance, resolution or indenture providing for the issuance of the bonds may, in lieu of the provision permitted by Section 35414, provide for the levy each year of an ad valorem assessment on all taxable real property in the district to provide moneys for all or any part of the principal

and interest on the bonds, the costs and expenses of operating and maintaining the parking places, and the establishment or maintenance of any reserve funds, sinking funds or other funds designed for securing or paying the bonds and interest thereon. The rate of ad valorem assessment shall be fixed by the legislative body each year so as to produce the sums required under such provisions; provided, that the assessment shall not exceed the limits stated in the resolution of intention. The 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.

SEC. 22. Section 35418 of said code is amended to read:

Modification or elimination of provisions

35418. Any provision of the 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 the elimination or modification.

SEC. 23. Section 35423 of said code is amended to read:

Proceeds of sale Deposit

35423. The proceeds of the sale of the bonds shall be placed in the city treasury to the credit of the proper district fund and applied exclusively to the objects and purposes for which the same were issued.

SEC. 24. Section 35428 of said code is amended to read:

Unexpended proceeds

35428. When the acquisitions and improvements have been accomplished, any unexpended bond proceeds shall be placed in any fund for the payment or securing of the principal and interest of the bonds, or may be used to pay the cost of additional acquisitions or improvements for the district, and expenses incidental thereto, pursuant to change and modification proceedings.

SEC. 25. Section 35560 of said code is amended to read:

Rentals, fees or charges

35560. The commission may fix, regulate, and collect rentals, fees, or other charges for the use of parking places under its control, and may provide different rates for different classes of customers, or users, provided that such rentals, fees or other charges shall be sufficient to produce funds to comply with the terms of the ordinance, resolution, or indenture providing for the issuance of bonds. Such rentals, fees, or other charges shall be fixed after public hearing following such notice as the commission may prescribe.

SEC. 26. Section 35565 of said code is amended to read:

Basis for rentals etc

35565. The commission shall fix such rentals, fees, or charges for the use of parking places under its control as will produce revenue, when added to the expected revenues from on-street parking meters pledged to any of the purposes specified in this part, sufficient to pay the principal and interest on the bonds as they fall due, and also to provide any additional sums which may be required under the provisions of the ordinance, resolution or indenture providing for the issuance of the bonds.

SEC. 27. Section 35566 is added to said code, to read:

Exception

35566. If the petition for the formation of a district and the resolution of intention to form the district state that this section and Section 35414.1 shall apply to proceedings taken pursuant thereto, Section 35565 shall not apply and the provisions of this section shall apply. The commission shall fix such rentals, fees or other charges for the use of parking places under its control as will produce revenue, when added to the expected revenues from on-street parking meters, assessments or other sources pledged to any of the purposes specified in this part, sufficient to pay the principal and interest on the bonds as they fall due, and also to provide any additional sums which may be required under the provisions of the ordinance, resolution or indenture providing for the issuance of the bonds.

SEC. 28. Section 35704 of said code is amended to read:

Limitation on use of property

35704. As long as any of the bonds of the district or any interest thereon remains unpaid, the parking places acquired for the district shall be used as public parking places unless the legislative body makes the determination provided in Section 35706.

SEC. 29. Section 35706 is added to said code, to read:

Use of property for other purposes Alternative procedure

35706. As an alternative to the provisions of Section 35705, and to the extent authorized in the covenants contained in the ordinance, resolution or indenture providing for the issuance of the bonds, the use of any of the properties as public parking places may be discontinued as to such property or any portion thereof if the legislative body, after public hearing following notice thereof published in one or more newspapers circulated in the city at least once not less than ten (10) days before said hearing, determines by a four-fifths vote of all its members that the public interest and necessity and the needs of the district no longer require that such property, or such portion thereof, be used as public parking places. Thereafter the property as to which such determination is made may be used by the city for any public purpose or may be sold as other city property is sold when no longer needed for a public purpose. The proceeds of such sale shall be used as provided in said covenants.

CHAPTER 1284

An act to amend Section 2665 of the Business and Professions Code, relating to the practice of physical therapy.

In effect September 7, 1955

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 2665 of the Business and Professions Code is amended to read:

2665. One year from the effective date of this act, no person not licensed under this chapter shall practice physical therapy in this State for compensation received or expected; provided, however, that this prohibition shall not apply to any of the following:

(a) Any activities authorized by their licenses on the part of any persons licensed under this code or any initiative act, or any activities by a full time assistant in such licentiate's office under his orders, direction and supervision;

(b) Registered physical therapists licensed under Chapter 5.6 of Division 2 of this code;

(c) The practice of physical therapy procedures by registered nurses when such practice is within the scope of their licenses;

(d) Any activities of nonregistered nurses permitted by Section 2731 of this code;

(e) Any person employed by any agency, bureau or division of the Government of the United States, while performing the duties of such employment;

(f) The demonstration of any physical therapy equipment by a salesman or merchant engaged in selling such equipment;

(g) The administration of massage, external baths or normal exercise.

CHAPTER 1285

An act to amend Section 542.1 of the Agricultural Code, relating to milk and dairy products.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 542.1 of the Agricultural Code is amended to read:

542.1. Nothing in this article shall prohibit the immediate degrading or exclusion from the market of milk or cream or the immediate condemnation of any milk or cream by the director or an approved milk inspection service, which milk or cream is contaminated or produced in a dairy barn or held in a milk house either of which are in such insanitary condition that the milk or cream will be contaminated by direct contact with filth.

CHAPTER 1286

An act to amend Section 19484 of the Business and Professions Code, relating to horse racing.

In effect September 7, 1955

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 19484 of the Business and Professions Code is amended to read:

19484. No deposit fee shall be required for horse racing meetings conducted by the California State Fair and Exposition, by a county fair or by a district agricultural association.

CHAPTER 1287

An act to add Sections 30205 and 30511 to the Water Code, relating to county water districts.

In effect September 7, 1955

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 30205 is added to the Water Code, to read:

Petition for formation

30205. The petition for the formation of a county water district to include all or part of Pleasant Valley, Ventura County, may be signed by either:

(a) The number of voters required by Section 30202, or

(b) Ten percent of the owners of land within the proposed district.

The provisions of this section shall apply only to the formation of a county water district in all or part of Pleasant Valley, Ventura County.

The special provisions are necessary because in the Pleasant Valley area in Ventura County much of the land is owned by persons living in the near-by communities of Oxnard, Ventura, Camarillo, and other near-by towns and many of the persons residing on the land are not the owners of the land and the owners wish to form a county water district. The owners will be the ones primarily concerned with such a district and the ones who will be supporting such a district and not the resident nonowners.

SEC. 2. Section 30511 is added to said code, to read:

Members of board of directors

30511. In a county water district formed to include all or part of Pleasant Valley, Ventura County, each member of the board of directors, whether elected or appointed, shall be either a voter of the district or an owner of land within the district.

The provisions of this section shall apply only to the board of directors of a county water district formed in all or part of Pleasant Valley, Ventura County. These special provisions are necessary for reasons similar to those expressed in Section 30205.

CHAPTER 1288

An act to add Section 635.5 to the Vehicle Code, relating to lamps on sides of vehicles.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.] In effect September 7, 1955

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

SECTION 1. Section 635.5 is added to the Vehicle Code, to read:

635 5. Lamps on Sides of Vehicles. In addition to the lamps otherwise permitted by this chapter, any motor vehicle may be equipped with lamps on the sides thereof, visible from the side of such vehicle but not from the front or rear thereof, on condition that such lamps, together with mountings or receptacles, are set into depressions or recesses in the body of the vehicle and do not protrude beyond or outside the body of the vehicle. The light source in each such lamp shall not exceed two candlepower and shall emit diffused light of any color, except that the color red is permitted only on authorized emergency vehicles.

CHAPTER 1289

An act to provide for the creation of the Santa Clara-Alameda-San Benito Water Authority, prescribing its government, organization, financing, powers and purposes, all relating to the acquisition, control, conservation, diversion, storage, and disposition of imported waters, declaring the urgency thereof to take effect immediately.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.] 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-Alameda-San Benito Water Authority Act. Short title

PART 1. GENERAL PROVISIONS

SEC. 2. The following definitions shall govern the construction of this act unless the contrary is indicated: Definitions

(1) "Authority" means the Santa Clara-Alameda-San Benito Water Authority as organized and incorporated hereunder.

(2) "Public agency" means and includes any public corporation, public district, or agency of the State of California having the power to acquire and distribute water and located within the boundaries of any or all of the following counties: Alameda County, San Benito County, Santa Clara County.

(3) "Directors" means the board of directors of the authority.

(4) "Principal county" means the county in which lie the lands within the authority, as created and established, having the greatest assessed valuation, according to the last equalized assessment roll applicable to such lands, such valuation being, for this purpose, based on land alone, exclusive of improvements.

PART 2. ORGANIZATION

Organization and incorporation

SEC. 11. The Santa Clara-Alameda-San Benito Water Authority may be organized and incorporated hereunder by two or more public agencies in any or all of the following counties: Alameda County, San Benito County, Santa Clara County; which public agencies need not be contiguous, and when so incorporated the authority shall be a separate and independent political corporate entity and shall exercise the powers herein expressly granted, together with such implied powers as are necessary to carry out the objects and purposes of the authority. A public agency, upon becoming a member agency, shall retain its separate identity and shall, without change, continue in existence.

Procedure

SEC. 12. The procedure for organizing and incorporating the authority is as follows:

Resolution

(1) Within 120 days of the effective date of this act resolutions may be passed by the legislative body of any public agency as herein defined, such resolutions to be passed only after the public agency has held a hearing after giving notice by publication in a newspaper of general circulation in the public agency at least 10 days prior to the time set for the hearing at which the board considers all protests as to the public agency's joining in creating and establishing the authority and finds that all land in the agency will be benefited by inclusion in the authority, and also declaring that in its opinion public interest or necessity demands the creation and maintenance of the authority. A certified copy of the resolution shall be presented to the board of supervisors of the county within which the greater portion of the public agency is located, requesting said board to call an election without delay for determining whether such authority shall be created.

Election

(2) Upon receipt of a resolution and petition the board of supervisors shall call an election within the territorial boundaries of each public agency which has adopted the resolution for the purpose of determining whether the proposed authority shall be created and established.

Notice

(3) The board of supervisors 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 public agency within which such election is called, or if no newspaper of general circulation is published within such public agency, then such publication shall be made in a newspaper of general circulation published within each county in which any portion of such public agency is located.

Contents of notice

(4) Said notice shall state, among other things, the name of the proposed authority, and designate the respective election precincts and the polling places in each; the election officers and the time of the election, and the hours during which the polls will be kept open; provided, that the polls must be opened not later than 8 o'clock a.m. and kept open until 7 o'clock p.m.

Ballot form

(5) The ballot for said election shall contain such instructions as are required by law to be printed thereon, and in addition thereto there shall appear the following:

Shall _____ (naming the public agency) join in creating and establishing "Santa Clara-Alameda-San Benito Water Authority"?	Yes
	No

Conduct of election

(6) Said election and all matters pertaining thereto, shall be held and conducted and the results thereof ascertained, determined and declared prior to the twentieth day of January, 1956, and 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 the public agency in which the said election is called.

Canvassing votes

(7) The board of supervisors of each county in which such election or elections are held shall meet on Monday next succeeding the day of said election and canvass the votes cast thereat, canvassing the returns of each public agency separately. Said board shall thereupon declare the result of said canvass and shall certify the same to the board of supervisors of the County of Santa Clara. The board of supervisors of the County of Santa Clara shall order and declare the authority created and established consisting of the public agencies in which a majority of those who voted on the proposition voted in favor of the creation of said authority; provided, however, that the authority shall not be created if the total assessed valuation of the lands, exclusive of improvements, within such approving public agencies shall be less than one hundred million dollars ($100,000,000).

Filing election results

SEC. 13. The board of supervisors of Santa Clara County 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 public agencies 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 the authority shall be deemed complete.

Cost

SEC. 14. The board of supervisors calling each election shall make all provision for the holding thereof and the cost thereof shall be a proper charge against the county. In case a special election is held exclusively on the proposition of organizing such an authority, the expenditure therefor shall be reimbursed to the county by means of a special tax on all of the taxable property within the public agencies in which such election was held, which tax shall be assessed, levied, and collected together with and at the same time as the next county taxes by the proper officers of the county.

Validity of incorporation

SEC. 15. 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 the authority, and any proceedings attacking the validity of said incorporation, shall be commenced within three months from the date of filing the aforesaid order with the Secretary of State, otherwise such incorporation and the legal existence of the authority shall be held to be valid and in every respect legal and incontestable.

PART 3. POWERS

Powers Generally

SEC. 21. The authority shall have the following powers, including those necessarily implied therefrom:

(1) To have perpetual succession.

(2) To sue and be sued in actions and proceedings and in all courts and tribunals of competent jurisdiction.

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

(4) To take by grant, purchase, bequest, devise or lease, and to hold, enjoy, lease, sell or otherwise dispose of any and all real and personal property of any kind within or without the authority and within and without the State necessary or convenient to the full exercise of its powers; also to acquire, construct or operate, control and use any and all works, facilities and means necessary or convenient to the exercise of its powers, both within and without the authority, and within and without the State, and to do and perform any and all things necessary or convenient to the full exercise of the powers herein granted.

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; provided, however, the authority, in exercising such power, shall in addition to the damage for the taking, injuring, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables, or poles of any public utility which is required to be moved to a new location. 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 such property has already been appropriated.

Taxes

(6) To levy and collect taxes for the purpose of carrying on the operations and paying the obligations of the authority; provided, however, that such taxes shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of assessed valuation of land, exclusive of improvements, within the authority.

Contracts

(7) To enter into contracts with any person, firm, association, private corporation or public corporation, public district or public agency, including public agencies the area of which shall be a part of the authority, employ and retain personal services and employ laborers; to create, establish and maintain such offices and positions as shall be necessary and convenient for the transaction of the business of the authority, and to elect, appoint and employ such officers, attorneys, engineers, agents and employees therefor as shall be found by the board of directors to be necessary and convenient for the transaction of the business of the authority.

Contracts with other public corporations

(8) To join with one or more other public corporations for the purpose of carrying out any of its powers, and for that purpose to contract with such other public corporation or corporations for the purpose of financing acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom. Such contracts may contain such other and further covenants and agreements as may be necessary and convenient to accomplish the purposes hereof. The term "public corporation" as used in this subdivision shall be deemed to mean and include the United States or any public agency thereof or this or any other state or any political district, subdivision or public agency thereof.

Acquisition of water, water rights, etc.

(9) To acquire water and water rights by any manner other than by condemnation, except where acquired through the acquisition of land, within or without the State, but not within the county or counties in which the authority is organized or located; to develop, store and transport such water; to provide, sell or deliver water at wholesale for municipal, domestic, irrigation, and other beneficial uses and purposes; provided, each public agency, the area of which shall be a part of the authority shall have a preferential right to purchase from the authority for distribution by such public agency, or any public utility therein empowered by said public agency for the purpose, for domestic, municipal, irrigation and other beneficial uses within such public agency, a portion of the water served by the authority which shall, from time to time, bear the same ratio to all of the water supply of the authority as the total accumulation of amounts paid by such public agency to the authority on tax assessments and otherwise, excepting pur-

chase of water, toward the capital cost and operating expense of the authority's works shall bear to the total payments received by the authority on account of tax assessments and otherwise, excepting purchase of water, toward such capital cost and operating expense; also to provide, sell and deliver surplus water of the authority not needed or required for beneficial purposes by the public agencies, the corporate area of which is included in such authority, but giving preference to uses within the authority; provided, that the supplying of such surplus water shall, in every case, be subject to the paramount right of the authority to discontinue the same, in whole or in part, and to take and hold, or to provide, sell and deliver, such water for domestic, municipal, irrigation or other beneficial uses within the authority upon one year's written notice to the purchaser or user of such surplus water, such notice to be given by the board of directors of the authority whenever it shall be determined and declared by resolution adopted by said board of directors by a two-thirds vote thereof that such water is needed or required by any public agency, the corporate area of which is included within said authority, for domestic, municipal, irrigation or other beneficial uses therein; to fix the rates therefor, and to acquire, construct, operate and maintain any and all works, facilities, improvements and property necessary or convenient therefor; provided further, that the authority shall not have the power to provide, sell or deliver water for any purpose within the area of any public agency, the area of which shall be a part of the authority, without the express authority of the legislative body of such public agency first had and obtained; and provided further, that the authority shall not have the power to provide, sell or deliver water for any purpose within that portion of the area of any public agency, the area of which shall be a part of the authority, which shall lie within the boundaries of any municipal utility district, without the express authority of the legislative body of such municipal utility district first had and obtained.

Contracts under Federal Reclamation Act, etc.

(10) To cooperate and contract with 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 authorizing or permitting such cooperation, for the purposes of construction of works, necessary or proper for carrying out the purposes of said authority, or for the acquisition, purchase, extension, operation or maintenance of constructed works, or for a water supply, or for the assumption as principal or guarantor of indebtedness to the United States; also to borrow or procure money from the United States, or any agency thereof for the purpose of financing any of the operations of the authority.

Investment of surplus moneys

(11) To invest any surplus money in the authority treasury, including such money in any sinking fund established for the purpose of providing for the payment of the principal

or interest of any bonded or other indebtedness or for any other purpose, not required for the immediate necessities of the authority, in its own bonds, or in treasury notes, or bonds, of the United States, or of this State, and such investment may be made by direct purchase of any issue of such bonds or treasury notes, or part thereof, at the original sale of the same, or by the subsequent purchase of such bonds or treasury notes. Any bonds or treasury notes thus purchased and held may, from time to time, be sold and the proceeds reinvested in bonds or treasury notes as above provided. Sales of any bonds or treasury notes thus purchased and held shall, from time to time, be made in season so that the proceeds may be applied to the purposes for which the money, with which the bonds or treasury notes were originally purchased, was placed in the treasury of the authority.

Irrigation district powers

(12) To have and exercise, to the extent not inconsistent with limitations specified in this act, all of the powers of irrigation districts as provided in Division 11 of the Water Code, except that the authority shall not have any of the powers conferred upon irrigation districts by Article 3, Chapter 1, Part 5, Division 11, of the Water Code, with the further limitation that the authority shall not have the power to incur bonded indebtedness.

Contributions

(13) To receive contributions from the United States, public districts, counties, public agencies or persons or corporations and to use such contributions for the purposes for which they are made. Any public district, county or public agency of the State is authorized to contribute money of such public district, county, or public agency to the authority.

PART 3. BOARD OF DIRECTORS

Board of directors

SEC. 31. All powers, privileges and duties vested in or imposed upon the authority as incorporated hereunder shall be exercised and performed by and through a board of directors.

Membership

SEC. 32. The board of directors herein referred to shall consist of one representative from each public agency, the area of which shall lie within the authority.

Selection of members

SEC. 33. Members of the board of directors shall be designated and appointed as follows:

(1) At the first regular meeting of the legislative body of each member agency or at any special meeting called for the purpose, held after such agency has become a member of the authority, said legislative body shall prepare and transmit to the clerk of the board of supervisors of the county in which the lands, or the greater portion of the lands, of the member agency lies, a list comprising the names of two or more nominees of such member agency for the office of member of the board of directors of the authority.

(2) At the next regular meeting of the board of supervisors following receipt of such a list of nominees said board may

appoint one of the persons so nominated from each such list received to the office of director of the authority. If the board does not appoint from the first list submitted it may return the list and request another list of nominees and may call for successive lists of nominees until they are satisfied as to one of the nominees on the submitted list whom they select and appoint to the office of director.

(3) The clerk of the board of supervisors shall thereupon certify each such appointment to the clerk of the board of supervisors of the principal county and to the member agency of the authority which had submitted such list of nominees.

(4) The appointee of the board of supervisors shall not take office until the thirty-first day after his selection. During this 30-day period between selection and taking of office of a director, if a petition signed by 5 percent or more of the qualified electors in the public agency from which the member would be appointed file a petition with the board of supervisors protesting the appointment of this nominee and nominating another person for the position the board of supervisors shall call an election within such public agency at which the office of director shall be filled. The candidate shall be the nominee selected by the board and the person named in the petition protesting the appointment and such other candidates as shall be nominated by a petition signed by 5 percent of the qualified electors in the public agency involved. No person shall sign more than one such petition. All additional nominating petitions must be filed with the board within 45 days from the date on which the board announced its selection of the appointed member. If an election is required the member selected for appointment shall not take office unless elected to the position and his selection shall be of no force or effect.

The provisions of the Elections Code relating to the qualification 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 the election of directors under this part. 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 except that the qualification of electors shall be determined as are the qualifications of electors in the public agency involved. Inconsistent provisions of this part shall control over any provisions of the Elections Code. All charges for election of directors shall be a charge against the county in which the major portion of the public agency involved is located.

Terms

SEC. 34. Members of the board of directors shall hold office for a term of four years, and until their successors are appointed or elected and qualified; provided, that the terms of the members of the first board shall be determined by lot so that the term of not less than one-half of the members shall be

for two years and the terms of the remainder shall be four years; provided further, that every member shall be subject to recall by the voters of the public agency from which such member is appointed, in accordance with the recall provisions of the Elections Code applicable to municipal officers under Article 1, Chapter 3, Division 13 thereof except that the recall petition shall be signed by not less than 17 percent of the voters in the public agency.

Votes of members

SEC. 35. 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 of directors, and shall be entitled to cast one vote for each five million dollars ($5,000,000), or fractional part thereof, of assessed valuation of property taxable for authority purposes in the public agency represented by him as shown by the last equalized assessment roll of the county or counties within which such public agencies are located and evidenced by the certificate of the county auditor; provided, that each representative shall have at least one vote and no public agency shall have votes exceeding in number the total number of votes of all the other public agencies whose corporate areas are included in such authority. 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; provided, however, 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.

Meetings, chairman, etc

SEC. 36. Members of the first board of directors so constituted shall convene at the call of the clerk of the board of supervisors of the principal county in the meeting room of the board of supervisors at the county seat of said county, or at any other convenient place within the authority designated in such call, and immediately upon convening such board of directors shall elect from its membership a chairman and vice chairman who shall serve for a period of two years, or until their respective successors shall be elected and qualified, and said board of directors may appoint a secretary who shall serve at the pleasure of the board of directors. The terms of directors shall begin upon the day of the first meeting so convened.

PART 4. FINANCE

Determination of funds necessary

SEC. 41. The directors, on or before the last day of May of each year, shall estimate the amount of money required by the authority for all authority purposes.

The directors shall add thereto a sum not to exceed 10 percent thereof for anticipated delinquencies.

Apportionment

The directors shall divide the total amount so found in proportion to the value of the land in the authority lying in each

county. The value shall be determined from the last assessment rolls of the counties. On or before the first week in June of each year the directors shall furnish to each board of supervisors a written statement of the amount apportioned to the county.

Tax levy

SEC. 42. The boards of supervisors of each of the counties in which the authority is situated shall, upon receipt of the determination of amount provided for in Section 41, cause a sufficient tax to be levied on the land, exclusive of improvements, of each such county within the authority to raise the amount reported to them in the estimate of the directors apportioned to such county.

Authority assessment

SEC. 43. The tax levied by the boards of supervisors for the purposes of the authority shall be known as the authority assessment and shall be assessed and levied, except as otherwise indicated, at the same time and in the same manner as prescribed by law for county taxes.

Limitations

SEC. 44. The authority assessment in any one year shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of assessed valuation of the land, exclusive of improvements, within the authority according to the last equalized assessment roll.

Termination date

SEC. 45. The authority assessment shall not be levied after the thirtieth day of June, 1962.

Deposit of funds

SEC. 46. The amounts collected from the authority assessment shall be paid into a special fund in the treasuries of each of the counties and monthly the treasurers thereof shall transmit the balance thereof to the treasurer of the principal county to the credit of the authority. The treasurer of the principal county shall be ex officio treasurer of the authority.

Withdrawal of funds

SEC. 47. The treasurer shall pay out money of the authority only upon warrants of the authority drawn upon order of the board of directors and signed by the chairman and attested by the secretary.

PART 5. INCLUSION AND ANNEXATION

Inclusion and annexation

SEC. 51. Territory may be included within or annexed to the authority by one of the following methods:

Inclusion in or annexation to member agency

(1) By inclusion within, annexation to, or consolidation with the area of any member agency, such inclusion, annexation or consolidation to occur upon compliance with the provisions of law governing such inclusion, annexation or consolidation. Upon completion of such inclusion within, annexation to or consolidation with such member agency in compliance with the provisions of law applicable thereto, such territory shall become and be a part of the authority for all purposes.

Petition for annexation

(2) The governing body of any public agency, whether within or without the boundaries of the Counties of Alameda, San Benito or Santa Clara, may apply to the board of directors of the authority for consent to annex the corporate area

of such public agency to the authority. The board of directors may grant or deny such application and in granting the same may fix the terms and conditions of such proposed annexation. Such terms and conditions may provide, among other things, for the levy by the authority of special taxes upon taxable property within such public agency in addition to the taxes elsewhere in this act authorized to be levied by the authority, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors in fixing such terms and conditions shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum, and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. The action of the board of directors evidenced by resolution shall be promptly transmitted to the governing body of such applying public agency, and if such action shall grant consent to such annexation, such governing body may thereupon submit to the qualified electors of such public agency at any general or special election held therein, the proposition of such annexation subject to the terms and conditions fixed as herein provided. Notice of such election shall be given in the manner and for the time provided by law for notice of elections for the incurring of bonded indebtedness in such public agency. Such notice shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. Such election shall be conducted and the returns thereof canvassed in the manner provided by law for elections for the incurring of bonded indebtedness in such public agency. If such proposition shall receive the affirmative vote of a majority of electors of such public agency voting thereon at such election, the governing body of such public agency shall certify the result of such election on said proposition to the board of directors of the authority, together with a legal description of the boundaries of the corporate area of such public agency, accompanied by a map or plat indicating such boundaries. A certificate of proceedings hereunder shall be made by the secretary of the authority and filed with the Secretary of State. Upon the filing thereof in the Office of the Secretary of State, the corporate area of such public agency shall become, and be, an integral part of the authority, and the taxable property therein shall be subject to taxation thereafter for the purposes of the authority, and the board of directors of the authority shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized. Upon the filing in his office of the aforesaid certificate of proceedings the Secretary of State shall, within ten (10) days, issue his certificate, reciting the filing of said papers in his office and the annexation of the corporate area of such public agency to the authority. The Secretary of State shall transmit the original of his certificate to the secretary of the authority and shall

Action by board

Election

Election certificate

Effect of filing certificate

forward a certified copy thereof to the county clerk of the counties in which the authority is situated.

Effect of inclusion or annexation

SEC. 52. The original inclusion within or the later annexation to the authority of the corporate area of any public agency shall not destroy the identity or legal existence or impair the powers of such public agency notwithstanding the identity of purpose or substantial identity of purpose of the authority.

PART 6. EXCLUSION

Exclusion of territory

SEC. 61. Territory may be excluded from the authority by the following method:

Vote required

(1) The governing body of any member agency shall, by resolution adopted by not less than four-fifths vote, determine and declare that the public interest demands the withdrawal of said member agency from the authority.

Election

(2) Said governing body shall thereupon submit to the qualified electors of such member agency at any general or special election held therein the proposition of such withdrawal. Notice of such election shall be given in the manner and for the time provided by law for notice of annexation elections in such member agency; provided, that said governing body may shorten the time of notice of such election to a period of 30 days. Such election shall be conducted and the returns thereof canvassed in the manner provided by law for annexation elections in such member agency. If such proposition shall receive the affirmative vote of more than 60 percent of the registered and qualified electors of such member agency the governing body of such member agency shall certify the result of such election on said proposition to the board of directors of the authority. A certificate of proceedings hereunder shall be made by the secretary of the authority and filed with the Secretary of State. Upon the filing thereof in the Office of the Secretary of State the corporate area of such member agency shall cease to be a part of the authority; provided, that the corporate area of such former member agency shall be and remain liable for any authority assessment already levied pursuant hereto.

PART 7. DISSOLUTION

Dissolution

SEC. 71. The authority may be dissolved by the board of supervisors of the principal county as hereinafter provided:

Vote by board

(1) The board of directors of the authority shall by resolution adopted by not less than four-fifths vote, request the board of supervisors of the principal county for dissolution of the authority.

Election

(2) The board of supervisors of the principal county shall thereupon submit to the qualified electors of the authority at any general or special election held therein, the proposition of such dissolution in accordance with the general election laws, except as otherwise herein provided. Said election shall be noticed by publication once a week for three weeks in a news-

paper of general circulation in each of the counties wherein any portion of the authority lies. The cost of publication of the notice shall be paid by the principal county and shall be a county charge. The notice shall appear on at least three different days prior to the date of election, and the first publication shall be at least 15 days prior to the election. The board of supervisors of the principal county shall meet on the first Monday following the election and canvass the votes.

Vote required

(3) If the proposition for dissolution shall receive the affirmative votes of more than 60 percent of the electors voting at such election the board of supervisors shall make and declare an order declaring the authority dissolved and thereupon the authority is dissolved.

Winding up

SEC. 72. The board of supervisors of the principal county shall wind up the affairs of the dissolved authority and may do anything necessary to accomplish that purpose.

Outstanding obligations

SEC. 73. If, upon dissolution, there are any outstanding obligations of the authority the board of supervisors of the principal county shall determine the amount of the assessments required to be levied to pay such outstanding obligations and the boards of supervisors of each county in which any part of the authority lies shall levy assessments sufficient to pay their respective proportion of the outstanding obligations.

Distribution of property

SEC. 74. Upon completion of the winding up of the affairs of the authority the real property of the authority shall become the property of the member agency of the authority in which such real property is situated. Real property of the authority situate outside the authority and the personal property of the authority shall be sold by the board of supervisors of the principal county and the proceeds of such sale and any other money of the authority remaining after the payment of all the obligations of the authority shall be paid to the general funds of the member agencies in the proportion which the assessed value of the land in such member agency bears to the total assessed value of land within the authority as determined by the last assessment rolls.

PART 8. OTHER PROVISIONS

Severability

SEC. 101. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Urgency

SEC. 102. 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 public agencies within the area of water shortage in the Counties of Alameda, San Benito and Santa Clara must

take immediate action to organize in order to be in a position to make and complete applications to appropriate unappropriated waters originating outside said area before the possibility of securing such appropriative rights is lost forever. The end of local supplies of water for irrigation and industrial use is in sight and a shortage in domestic supply may follow. An outside source of water is absolutely vital to the people of the affected areas of these three counties. To protect the underground basin and to insure an adequate supply of pure water and so preserve the public health and safety the immediate availability of this act is essential, and this act is necessary as a special law for the reasons stated above and because there is no general law which can be made applicable thereto.

CHAPTER 1290

An act to amend Section 616.1 of the Agricultural Code, relating to cheese products.

In effect September 7, 1955

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 616.1 of the Agricultural Code is amended to read:

616.1. Pasteurized cheese spread is a product prepared by mixing with the aid of heat into a homogeneous plastic mass one or more lots or varieties of cheese. It may contain added solids derived from milk, water and spices. It may contain added sugar, acids, emulsifiers, flavoring and seasoning in amounts specified in the rules and regulations promulgated by the director Pasteurized cheese spreads are packaged in size not to exceed two pounds in weight and are to be sold to the consumer in the original unopened package.

CHAPTER 1291

An act to add Section 16444 to the Education Code, relating to the administering of poliomyelitis vaccine to pupils of the public school, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 16444 is added to the Education Code, to read:

16444. Anything to the contrary notwithstanding, the governing board of any school district shall cooperate with the

local health officer in measures necessary for the prevention and control of communicable diseases in school age children. For that purpose the board may use any funds, property, and personnel of the district, and may permit any person licensed as a physician and surgeon to administer an immunizing agent to any pupil whose parents have consented in writing to the administration of such immunizing agent.

The provisions of this section shall be retroactive to April 12, 1955.

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:

On April 12, 1955, public announcement was made by the National Foundation for Infantile Paralysis that the Salk poliomyelitis vaccine was found to be successful in preventing paralysis from poliomyelitis.

Since then many physicians and surgeons have volunteered their services in administering this vaccine to the pupils of the public schools in order that the beneficial effects thereof may be secured to children most susceptible to poliomyelitis. However, under existing law, there is considerable doubt whether school districts are authorized to use the funds, property and personnel of the district in the administering of this newly discovered vaccine, and whether the school districts may accept the services volunteered by members of the medical profession. In order that school districts may administer the vaccine to pupils of the public schools and accept the volunteered services of physicians and surgeons for that purpose at the earliest possible moment, it is necessary that this act take effect immediately.

CHAPTER 1292

An act to amend Section 405 of the Education Code, relating to the salaries of county superintendents of schools.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.] In effect September 7, 1955

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

SECTION 1. Section 405 of the Education Code is amended to read:

405. The annual salary of the county superintendent of schools of a county of the fifth class is thirteen thousand five hundred dollars ($13,500), and he shall possess a valid general administrative credential issued by the State Board of Education. Contra Costa County Superintendent of Schools Salary

CHAPTER 1293

An act to amend Sections 28113 and 28160 of the Government Code, relating to compensation for public service in counties.

In effect September 7, 1955

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 28113 of the Government Code is amended to read:

San Joaquin County officers Salaries

28113. In a county of the thirteenth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand six hundred dollars ($9,600) a year.

(b) The district attorney, thirteen thousand dollars ($13,000) a year.

(c) Each supervisor, six thousand dollars ($6,000) a year and actual and necessary expenses, including expenses for meals, incurred in the performance of the duties of his office. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid the sum of eight cents ($0.08) per mile to reimburse him for the use of said automobile. The chairman of the board of supervisors shall receive, as additional compensation, one thousand two hundred dollars ($1,200) a year for services rendered as chairman.

(d) For attendance in the superior court each trial juror shall be allowed five dollars ($5) for each day's attendance, and mileage at the rate of eight cents ($0.08) for each mile actually and necessarily traveled in attending upon and returning from court, mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

Each member of the grand jury shall be allowed five dollars ($5) for each day in attendance upon the sessions of the grand jury or for each day's service as a member of any committee of the grand jury and mileage at the rate of eight cents ($0.08) for each mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury, or any session of a grand jury committee, duly called by the secretary, or committee chairman.

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

SEC. 2. Section 28160 of said code is amended to read:

Payment to incumbents

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, 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 1294

An act to amend Section 14744 of the Education Code, relating to school district retirement systems.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.] In effect September 7, 1955

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

SECTION 1. Section 14744 of the Education Code is amended to read:

14744. Any other provision in this article to the contrary notwithstanding, if the service of a member is discontinued other than by retirement or death, and he has been employed by the district for five years and has made the contributions required for that period, he shall have the right to elect not later than 90 days thereafter and without right of revocation, whether to allow his accumulated contributions to remain in the Retirement Fund. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A member whose membership continues under this section is subject to the same age requirements as apply to other members for service retirement, but he is not subject to a minimum service requirement. Upon the qualification of such member for retirement by reason of age, he shall receive a retirement allowance based upon the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the district's contributions held for him and calculated in the same manner as for other members, except that the provisions in this article for minimum service retirement allowances do not apply to him, unless he meets such minimum service requirements. If the district retirement plan provides for a death benefit, upon the death of such a member prior to retirement under this section, the death benefit payable shall be computed upon the basis of his average annual compensation earnable for the year preceding the date of termination of such service, multiplied by the years of service for the district prior to such termination not to exceed six.

CHAPTER 1295

An act to amend Sections 30024, 31707, 32223, 32224, 32225, 32226, and 32445 of, and to add Section 31707.1 to, the Water Code, relating to county water districts.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.] In effect September 7, 1955

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

SECTION 1. Section 30024 of the Water Code is amended to read:

"Works" 30024. "Works" includes water works, conduits, reservoirs, storage sites, water sheds, machinery, wells, pumps, dams, storage tanks, tunnels, hydrants, meters, works and facilities for the collection, treatment and disposal of sewage, waste and storm waters, fire protection works and facilities, other appliances and their appurtenances.

SEC. 2. Section 31707 of said code is amended to read:

Tax lien 31707. Subject to the provisions of Section 31707.1, taxes for the payment of a bonded debt and the interest on it are a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt.

SEC. 3. Section 31707.1 is added to said code, to read:

Creation of lien 31707.1. No bonded debt and no lien therefor is created or exists as to authorized bonds prior to issuance. Upon issuance a debt is created only as to the bonds issued and a lien is created therefor but only upon the property which on the date of bond issuance is then within the district or improvement districts therein benefited by the bonded debt.

SEC. 4. Section 32223 of said code is amended to read:

Order of exclusion 32223. Any order excluding land shall be by ordinance which shall be effective at the expiration of 30 days after adoption. The exclusion ordinance shall specifically describe the land excluded. An order denying exclusion may be by resolution.

SEC. 5. Section 32224 of said code is amended to read:

Exclusion 32224. From and after the effective date of the ordinance, the land therein described is excluded from the district.

SEC. 6. Section 32225 of said code is amended to read:

Effect on taxes or assessments 32225. Land excluded from the district shall not be subject to any tax levy or tax lien for indebtedness on bonds issued after such exclusion, except that exclusion shall not invalidate in any manner any taxes or assessments levied or assessed against the land excluded prior to the effective date of such exclusion.

SEC. 7. Section 32226 of said code is amended to read:

Recordation, evidence, etc 32226. A copy of the exclusion ordinance, certified to by the secretary, shall be recorded in the office of the county recorder of the county in which the district is situated and the record is prima facie evidence of the exclusion from the district of the land described in the ordinance.

SEC. 8. Section 32445 of said code is amended to read:

Public land 32445. The board, without petition except as required by the laws of the United States, may by resolution propose the inclusion in the district of any public land of the United States, which might, if privately owned, be included on petition, and may by resolution propose the inclusion in the district of land owned by the district in any county in which territory of the district is situated prior to such inclusion.

CHAPTER 1296

An act to amend Section 32128 of the Health and Safety Code, relating to the powers and duties of hospital districts.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 32128 of the Health and Safety Code is amended to read:

32128. The rules of the hospital, established by the board of directors pursuant to this article, shall include: 1. Provision for the organization of physicians and surgeons and dentists licensed to practice in this State who are permitted to practice in the hospital into a formal medical staff, with appropriate officers and by-laws and with staff appointments on an annual basis; 2. Provision that membership on the medical staff shall be restricted to physicians and surgeons competent in their respective fields, worthy in character and in professional ethics, and in this latter connection the practice of division of fees under any guise whatsoever shall be prohibited and any such division of fees shall be cause for exclusion from the staff; 3. Provision that the medical staff shall be self-governing with respect to the professional work performed in the hospital; that the medical staff shall meet at least once in each month and review and analyze at regular intervals their clinical experience; and that the medical records of the patients shall be the basis for such review and analysis; 4. Provision that accurate and complete medical records be prepared and maintained for all patients (medical records to include identification data, personal and family history, history of present illness, physical examination, special examinations, professional or working diagnoses, treatment, gross and microscopic pathological findings, progress notes, final diagnosis, condition on discharge, and such other matters as the medical staff shall determine); and, 5. Such limitations with respect to the practice of medicine and surgery in the hospital as the board of directors may find to be in the best interests of the public health and welfare; provided, that no duly licensed physician and surgeon shall be excluded from staff membership solely because he be licensed by one or the other of the boards mentioned in Section 2005 of the Business and Professions Code.

Said rules of the hospital shall, insofar as consistent herewith, be in accord with and contain, minimum standards not less than the rules and standards of private or voluntary hospitals operating within the district.

CHAPTER 1297

An act to amend Section 928 of the Penal Code, relating to the examination by the grand jury of the books, records, and accounts of hospital districts.

In effect September 7, 1955

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 928 of the Penal Code is amended to read:

928. It shall be the duty of the grand jury annually to make a careful and complete examination of the books, records and accounts of all the officers of the county, of all hospital districts which were organized in the county, and of every city board of education within the county, and especially those pertaining to the revenue, and report as to the facts they have found, with such recommendations as they may deem proper and fit; and if, in their judgment, the services of an expert are necessary, they shall have power to employ one, at an agreed compensation, to be first approved by the court; and if, in their judgment, the services of assistants to such expert are required, they shall have power to employ such, at a compensation to be agreed upon and approved by the court.

It shall be the duty of every grand jury first impaneled in even-numbered years to investigate and report upon the needs for increase or decrease in salaries of the county supervisors, the district attorney and the auditor, and it shall cause a copy of such report to be transmitted to each Member of the Legislature representing the county in which it has been impaneled before the commencement of the regular session of the Legislature in odd-numbered years. It shall also be the duty of every grand jury to investigate and report upon the needs of all county officers in its county, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices, and it shall cause a copy of such report to be transmitted to each member of the board of supervisors in its county.

It shall be the duty of the grand jury, when making an examination of the books, records, and accounts of all the officers of the county and when investigating and reporting upon the needs of all county officers in its county, to include an examination and report upon all the books, records and accounts of all the officers of such county which are kept in their ex officio capacity, as incumbents or officers of any special legislative district or other district created by or under the laws of the State of California, in their respective counties.

The judge, on impanelment of the grand jury, shall charge them especially as to their duties under this section; provided, that if any grand jury shall, in the report above mentioned,

comment upon any person or official who has not been indicted by the said grand jury the said comments shall not be deemed to be privileged.

Any and all expenses incurred under this section, and also the per diem and mileage where allowed by law, of the grand jurors, shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county.

CHAPTER 1298

An act to add Section 32127.5 to the Health and Safety Code, relating to the safekeeping and disbursal of funds of hospital districts.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.] In effect September 7, 1955

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

SECTION 1. Section 32127.5 is added to the Health and Safety Code, to read:

32127.5. On January 1, 1956, all funds on hand in the treasury of the district may, at the discretion of the board of directors of the district, be paid over to the county treasurer of the county in which the district was organized, in which case and from and after that date the functions of the district treasurer shall be performed by the county treasurer. Except as to principal and interest of bonds, moneys in the treasury of the district shall be paid out by the county treasurer for purposes of the district upon warrants issued by the county auditor on orders signed by the president of the district and countersigned by the secretary of the district.

CHAPTER 1299

An act to amend Section 16484 of the Education Code, relating to health reports.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.] In effect September 7, 1955

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

SECTION 1. Section 16484 of the Education Code is amended to read:

16484. When a defect has been noted by the supervisor of health or his assistant, a report shall be made to the parent or guardian of the child, asking the parent or guardian to take such action as will cure or correct the defect. Such report, if made in writing, must be made on a form prescribed or approved by the Superintendent of Public Instruction and shall

not include therein any recommendation suggesting or directing the pupil to a designated individual or class of practitioner for the purpose of curing or correcting any defect referred to in the report. Reference may be made on the approved or prescribed form to the parent or guardian as to the health condition of the child.

The provisions of this section do not prevent a supervisor of health from recommending in a written report that the child be taken to a public clinic or diagnostic and treatment center operated by a public hospital or by the State, county, or city department of public health.

CHAPTER 1300

An act to add Section 24254 to the Health and Safety Code, relating to air pollution control districts and the preservation of the public health and safety.

In effect September 7, 1955

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 24254 is added to the Health and Safety Code, to read:

24254. Notwithstanding any other provisions of law to the contrary, no state or local governmental agency, or any officer or employee thereof, shall be criminally liable or responsible under the provisions of this chapter for any acts done by such governmental agency in the performance of its functions or by such officers or employees in the performance of their duties. No criminal action shall hereafter be maintained or prosecuted for such acts, and all criminal actions heretofore instituted for such acts shall be dismissed. Any violation of any provisions of this chapter or of any order, rule, or regulation of the air pollution control board by any governmental agency, or by any officer or employee thereof, may be enjoined in a civil action brought in the name of the people of the State of California.

CHAPTER 1301

An act to amend Section 2161 of the Welfare and Institutions Code, relating to the residence of an applicant for or recipient of aid to the aged.

In effect September 7, 1955

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 2161 of the Welfare and Institutions Code is amended to read:

2161. For the purposes of this chapter neither the domicile nor residence of the husband or wife shall be deemed to be the domicile or residence of the other but each may have a separate domicile or residence dependent upon proof of the fact and not upon legal presumptions. An applicant for or recipient of aid under this chapter shall not lose residence because of marriage.

CHAPTER 1302

An act to amend Section 27640 of the Government Code, relating to the appointment of county counsels.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.] In effect September 7, 1955

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

SECTION 1. Section 27640 of the Government Code is amended to read:

27640. In any county having a population of more than 60,000, a county counsel may be appointed by the board of supervisors.

CHAPTER 1303

An act to amend Section 69948 of the Government Code, relating to official reporters.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.] In effect September 7, 1955

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

SECTION 1. Section 69948 of the Government Code is amended to read:

69948. The fee for reporting testimony and proceedings in contested cases is twenty-five dollars ($25) a day.

CHAPTER 1304

An act to add Section 18.5 to the Contra Costa County Storm Drainage District Act (Chapter 1532 of the Statutes of 1953), relating to the Contra Costa County Storm Drainage District.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.] In effect September 7, 1955

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

SECTION 1. Section 18.5 is added to the Contra Costa County Storm Drainage District Act, to read:

Sec. 18.5. Upon its own motion the board may by resolution require a report by the engineer as provided in Section 15 of this act.

Upon receipt of such report the board may adopt a resolution of intention to establish a zone. Notice of such hearing shall be given in accordance with Section 18 of this act. In addition to such notice, the board shall also direct the clerk to mail notices of the proposed formation of such zone to all persons owning real property lying within such zone, whose names and addresses appear on the last equalized county assessment roll for county taxes prior thereto or on the board roll last transmitted to the county by the State Board of Equalization prior thereto. Mailing of such notices shall not be essential to obtain jurisdiction by the board, and the failure so to do shall not affect in any manner the validity of any proceeding taken hereunder. The notices so mailed shall contain the information required by Section 18 of this act.

CHAPTER 1305

An act to amend Section 6503 of the Public Resources Code, relating to rentals for use of state lands.

In effect September 7, 1955

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 6503 of the Public Resources Code is amended to read:

6503. Upon receipt of an application to lease land under this chapter, the commission shall appraise the lands and fix the annual rental per acre or other consideration therefor; provided, no rental fee shall be charged for private recreational piers constructed for the use of a littoral land owner.

CHAPTER 1306

An act to add Sections 10108 and 10600.5 to, and to amend Section 10403 of, the Streets and Highways Code, relating to the Municipal Improvement Act of 1913.

In effect September 7, 1955

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 10108 is added to the Streets and Highways Code, to read:

Maintenance districts

10108. A city may form a maintenance district, in which event Chapter 26 of Part 3 of Division 7 of the Streets and

Highways Code, excepting Sections 5850 to 5853, inclusive, as now or hereafter provided, shall hereafter apply. In such event, the officers referred to therein shall be deemed to be the city officers performing the same duties.

SEC. 2. Section 10403 of said code is amended to read:

Delinquent assessments

10403. All assessments not paid within 30 days after they become due, except all unpaid assessments for which bonds are to be issued, shall become delinquent and the recording officer shall add to each delinquent assessment 5 percent of the amount thereof. Assessments may be paid in whole or in part during the 30-day period after the same become due and payable.

SEC. 3. Section 10600 5 is added to said code, to read:

Dating of bonds

10600.5. When the resolution of intention provides that bonds shall be issued under the Improvement Act of 1911, said bonds may be dated at any time after the expiration of the cash payment period.

CHAPTER 1307

An act to add Chapter 2.5, comprising Sections 18120 to 18122, inclusive, to Division 9 of the Education Code, relating to plans for school buildings.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

In effect September 7, 1955

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

SECTION 1. Chapter 2.5 is added to Division 9 of the Education Code, to read:

CHAPTER 2.5. DUPLICATE PLANS FOR SMALL SCHOOL BUILDINGS

"School buildings"

18120. As used in this chapter, "school buildings" refers to only one-story schoolhouses of not more than nine classrooms.

Plan pool for rural areas

18121. The Department of Education shall:

(a) Establish a pool of duplicate plans for school buildings appropriate for school districts in rural areas. The series shall be composed of plans designed to meet the requirements of school districts located in rural areas of varying characteristics. The plans may include landscape suggestions.

(b) Provide specifications for the design and construction of such school buildings.

Payment for use

18122. Any school district may request sets of such plans and specifications appropriate for use in constructing a school building of the type desired by the district. Such plans and specifications shall be furnished to the school district subject to the payment of the actual expense incurred by the Department of Education, but such expense shall not exceed more than 2 percent of the total cost of the project. Any payments

received for such plans and specifications shall be paid into the State Treasury to the credit of the General Fund.

Approval of plans

18123. The plans and specifications for any school building as defined in Section 18192, together with estimates of cost, shall be submitted by the board to the Division of Architecture of the Department of Public Works for approval.

Applicability

18124. All provisions of Article 3 of Chapter 3 of this division are made applicable to school buildings as defined in Section 18192 constructed from plans and specifications furnished under this article except as otherwise provided herein.

Supervision of construction

18125. The district shall furnish its own architect or structural engineer, or both, for necessary structural engineering and supervision of construction.

Filing

18126. The governing board of a school district shall, before letting any contract for the construction of a school building as defined in Section 18192 according to such plans and specifications, file a set of the plans and specifications with the Division of Architecture of the Department of Public Works accompanied by a fee in the amount fixed by Section 18197.

CHAPTER 1308

An act to amend Section 1128 of the Streets and Highways Code, relating to private or by-roads.

In effect September 7, 1955

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

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

SECTION 1. Section 1128 of the Streets and Highways Code is amended to read:

1128. Private or by-roads may be opened, laid out or altered for the convenience of one or more residents or freeholders of any road district in the same manner as public roads are opened, laid out or altered, except that only one petitioner is necessary.

CHAPTER 1309

An act authorizing a suit or suits against the State of California to quiet title against it to certain real property in the County of Orange, State of California, or to reform a certain resolution and deed, or both.

In effect September 7, 1955

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

Quiet title, reformation suits against State. City of Newport Beach

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

SECTION 1. The City of Newport Beach may bring suit against the State of California, in accordance with law, in any

court of competent jurisdiction of the State of California, either to quiet title to the property described in Section 4 of this act or to reform a certain resolution and deed described in Section 5 of this act, or both, and to prosecute such action or actions to final judgment. Whether or not judgment is given against the State of California in the suit or suits authorized by this act, no costs shall be recovered against the State of California.

Limitation

SEC. 2. Any action brought under the provisions of this act shall be commenced within one year from the effective date of this act.

Service of summons

SEC. 3. Service of summons in any such suit shall be made upon the Director of Finance, the Director of Natural Resources, 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 of California in such suit.

Description of property

SEC. 4. The real property referred to in Section 1 of this act is described as follows:

All land, including tide and submerged land, lying seaward of the following described real property situated in the County of Orange, State of California:

Beginning at the point of intersection of the southerly prolongation of the easterly line of Fourteenth Street with the south line of Ocean Avenue (65 feet in width), as said street and avenue are shown on the map of Section "B" of Newport Beach, recorded in Book 4, page 27 of Miscellaneous Maps, records of Orange County, California; running thence southerly along the southerly prolongation of the easterly line of said Fourteenth Street a distance of 250 feet; thence westerly along a line parallel with, and 250 feet distant southerly from, the south line of said Ocean Avenue a distance of 980 feet, more or less, to the point of intersection with the southerly prolongation of the westerly line of Sixteenth Street in said city; thence northerly along the southerly prolongation of the westerly line of said Sixteenth Street to the point of intersection with the south line of said Ocean Avenue; and thence easterly along said line a distance of 980 feet, more or less, to the point of beginning.

Resolution and deed

SEC. 5. The resolution and deed referred to in Section 1 of this act are described as follows:

That certain resolution of the City Council of the City of Newport Beach, County of Orange, State of California, bearing No. 3728 and dated September 12, 1949, and authorizing and directing the mayor and city clerk of said city to execute appropriate instruments to convey to the State of California an interest or interests in the real property described in Section 4 of this act, or in a portion of said real property.

That certain deed of the City of Newport Beach, County of Orange, State of California, dated October 17, 1949, and executed by the mayor and city clerk of said city, and purporting

to convey to the State of California an interest or interests in the real property described in Section 4 of this act, or in a portion of said real property, which said deed was recorded November 16, 1949, in Book 1927, page 175, of the official records of the County of Orange, State of California.

CHAPTER 1310

An act to amend Sections 4350, 4351, 4353, 4355, 4357, 4359, 4360, and 4362 of, to add Sections 4351.5 and 4364 to, and to repeal Sections 4249, 4250, 4356, and 4358 of, the Agricultural Code, relating to stabilization and marketing of milk and milk products.

In effect September 7, 1955

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

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

Repeal

SECTION 1. Sections 4249 and 4250 of the Agricultural Code are repealed.

SEC. 2. Section 4350 of said code is amended to read:

Authority of director

4350. Pursuant to the declaration and statements of facts, policy and purposes set forth in this chapter, the director is hereby vested with the additional administrative duty and authority to prescribe and enforce minimum wholesale and minimum retail prices for fluid milk, or fluid cream, or both, as hereinafter set forth, and to enforce the provisions of this article.

SEC. 3. Section 4351 of said code is amended to read:

Establishment of prices

4351. In all marketing areas wherein a stabilization and marketing plan for fluid milk is in effect or is hereafter established under the provisions of this chapter, the director shall designate and prescribe, or provide methods for designating and prescribing, minimum wholesale and minimum retail prices for fluid milk, including pasteurized concentrated milk, pursuant to the provisions of this article. In all marketing areas wherein a stabilization and marketing plan for fluid cream is in effect or is hereafter established under the provisions of this chapter or wherein the director has, under a stabilization and marketing plan for fluid milk, prescribed minimum prices to be paid by the distributors for fluid cream, the director may designate and prescribe, or provide methods for designating and prescribing minimum wholesale and minimum retail prices for fluid cream, pursuant to the provisions of this article.

SEC. 4. Section 4351.5 is added to said code, to read:

Termination of prices

4351.5. The director shall terminate the minimum wholesale and minimum retail prices in effect in any marketing area without notice or hearing at any time that there ceases to be a stabilization and marketing plan in force and effect in such marketing area.

SEC. 6. Section 4353 of said code is amended to read:

4353. Minimum retail prices, as used herein, shall mean minimum prices at which fluid milk or fluid cream, or both, shall be sold by distributors and retail stores to consumers. "Minimum retail prices"

SEC. 7. Section 4355 of said code is amended to read:

4355. In determining minimum wholesale and minimum retail prices for fluid milk or fluid cream, or both, for any marketing area, the director shall take into consideration the following economic factors operative in such marketing area in addition to other matters required by this chapter to be taken into consideration by him: Consideration of economic factors

(a) The quantities of fluid milk or fluid cream, or both, distributed in such marketing area.

(b) The quantities of fluid milk or fluid cream, or both, normally required by consumers in such marketing area.

(c) The estimated purchasing power of consumers in such marketing area.

(d) The cost of fluid milk or fluid cream, or both, in such marketing area to distributors and retail stores, which in all cases shall be, respectively, the prices paid by distributors to producers and the minimum wholesale prices, as established pursuant to this chapter.

(e) The reasonably necessary cost of handling fluid milk or fluid cream, or both, incurred by distributors, including all costs of hauling, processing, selling and delivering and reasonable return on necessary capital investment, for each of the several methods of distribution used in such marketing area in accomplishing such hauling, processing, selling and delivery, excluding costs which are not reasonably necessary to efficient operation, as such costs are determined by impartial cost surveys, or examination of the books and records, or both, of all, or such portion of the distributors in such marketing area as are reasonably determined by the director to be sufficiently representative to indicate the reasonably necessary costs of sufficient efficient distribution for such marketing area.

(f) The estimated amount of the available capacity for processing and distributing fluid milk or fluid cream, or both, of distributors in such marketing area and the estimated extent to which such available capacity is being used by such distributors.

(g) The reasonably necessary cost of handling fluid milk or fluid cream, or both, incurred by retail stores, as such costs are determined by impartial cost surveys, or examination of the books and records, or both, of such portion of the retail stores in such marketing area as are reasonably determined by the director to be sufficiently representative to indicate such costs of all retail stores in such marketing area. In determining such costs incurred by retail stores handling commodities in addition to fluid milk or fluid cream, or both, the director shall determine the cost of doing business for each such representative retail store and for such purpose shall consider all costs and expenses of doing business including depreciation on in-

ventory and equipment. In the absence of satisfactory evidence to the contrary, the cost of handling such fluid milk or fluid cream, or both, shall be presumed to be the same percentage as the cost of doing business of such retail store in conducting its entire business.

Repeal

SEC. 8. Section 4356 of said code is repealed.

SEC. 9. Section 4357 of said code is amended to read:

Economic factors: Distributors supplying restaurants, etc

4357. The director shall take into consideration the reasonably necessary cost of handling fluid milk or fluid cream, or both, incurred by distributors in hauling, processing, selling and delivering to restaurants, confectioneries or other places for consumption on the premises wherein it is required by law that service to customers be made from the original container or from milk-dispensing devices which have been approved for such use by the director in accordance with Section 461. In fixing the minimum wholesale price to be paid distributors by such persons, the director shall take into consideration such legal requirements and other reasonably necessary factors and distribution costs peculiarly affecting service to such persons, and if the director reasonably determines that such reasonably necessary factors and costs require that the minimum wholesale prices to be paid distributors by such persons vary from the minimum prices established for other wholesale customers, the prices established to be paid by such persons may vary accordingly. The prices established to be paid by such persons for milk sold in containers designed for use in milk-dispensing devices approved for such use by the director under Section 461 may vary from any of the minimum wholesale prices referred to in this section if the director reasonably determines that the necessary factors and costs involved in such sales require that these prices vary from any of the minimum wholesale prices referred to in this section. Minimum wholesale price schedules for fluid milk, fluid cream, or both, established by the director, may provide for quantity discounts, such discounts to be no more than those which give effect to delivery cost differences in the delivery of single orders of varying quantities of fluid milk, fluid cream, or both, to wholesale customers. Minimum retail price schedules for fluid milk, fluid cream, or both, established by the director for home delivery, may provide for either quantity discounts or delivery service charges, such discounts or service charges to be no more than those which give effect to delivery cost differences in the home delivery of single orders of varying quantities of fluid milk, fluid cream, or both, to retail consumers. Minimum retail price schedules for fluid milk, fluid cream, or both, established by the director for retail stores may provide for quantity discounts, such discounts to be no more than those which give effect to store handling cost differences in the sale of single orders of varying quantities of fluid milk, fluid cream, or both, to retail consumers.

Repeal

SEC. 10. Section 4358 of said code is repealed.

SEC. 11. Section 4359 of said code is amended to read:

Cost surveys

4359. The director shall make or cause to be made such cost surveys or examinations, or both, as are necessary in order to enable him to determine any changes in costs, and in accordance with the provisions of this article, after notice and public hearing called and held in the same manner prescribed in Section 4354, shall amend any minimum wholesale or minimum retail prices established under the provisions of this chapter in the event that he finds that any such price is, or that any such prices are, no longer in conformity with the standards prescribed therefor, or will not tend to effectuate the purposes of this chapter.

SEC. 12. Section 4360 of said code is amended to read:

Establishment of prices

4360. Following such hearings, investigation, surveys or examinations authorized above, the director shall establish minimum wholesale and minimum retail prices for such marketing area for distributors therein, and minimum retail prices for retail stores therein, which minimum wholesale and minimum retail prices shall be sufficient, but not more than reasonably sufficient, to cover costs, as such costs are described in Section 4355 of this code, according to method of distribution, and reasonable return upon necessary capital investment, and shown to the director by the facts available to the director from the hearings, investigation, surveys or examinations for such marketing area required in this chapter, and the director shall declare such prices effective in the same manner as that prescribed in this chapter for declaring producer prices effective; provided, however, that whenever the director shall determine from credible evidence that any prices established as hereinabove set forth will not or would not conform to and effectuate the legislative declarations, purposes and intent set forth in this chapter, then he shall instead establish minimum wholesale or minimum retail prices which are higher or lower than those sufficient to cover said costs and reasonable return on capital investment, upon the condition that he shall determine in his judgment and shall find in writing with respect to such higher or lower minimum prices:

(a) That such minimum prices will tend to maintain in the business of distributing fluid milk and fluid cream, or both, such reasonably efficient retail stores and distributors of fluid milk and fluid cream, or both, in such marketing area as the director finds necessary to insure to consumers in such marketing area sufficient distribution facilities to supply the quantity of fluid milk or fluid cream, or both, required by such consumers without requiring such consumers to pay more for their supplies of such fluid milk, or fluid cream, or both, than is necessary to maintain adequate and efficient distribution facilities in such marketing area.

(b) That such minimum prices will not tend to induce or authorize the development of unfair trade practices, unfair competition, conditions of monopoly or combinations in restraint of trade, and that such minimum prices will tend to

encourage the orderly and efficient marketing of fluid milk or fluid cream, or both.

SEC. 13. Section 4362 of said code is amended to read:

Distributor's price schedule Filing

4362. Every distributor in any marketing area wherein an order establishing minimum wholesale and minimum retail prices is in effect, except as otherwise herein provided, 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 a 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 an order establishing minimum wholesale and minimum retail prices is in effect, 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 person 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. In the event that any distributor shall elect to make a bid for the sale of fluid milk, fluid cream or other dairy products, excluding butter, cheese other than cottage cheese, canned milk, powdered milk, casein and ice cream, to any city, county or state institution at prices less than the prices applicable to sales to such institutions previously filed with the director by such distributor, then such distributor at its election, in lieu of filing a schedule of amended prices with the director, as hereinabove provided, may deliver to the director, not less than five days before the day scheduled for the opening of bids, a schedule showing the prices contained in such bid, which schedule shall be contained in a sealed envelope with information written or typed on such envelope showing the name of the distributor, the name of the city, county or state institution to which fluid milk, fluid cream or such other dairy products are proposed to be supplied as shown in such bid and the date, time and place scheduled for the opening of bids. The envelope containing such schedule shall be stamped by the director showing the time

and date received and shall not be opened by the director until after the date and time scheduled for the opening of bids and shall then be opened and such schedule shall be filed and indexed by the director and shall constitute such distributor's amended schedule of prices covering sales to city, county and state institutions and shall be available to any interested person desiring to inspect the same.

SEC. 14. Section 4364 is added to said code, to read:

Alteration of prices Statutory amendments

4364. No amendment of any provision of this chapter shall have the effect of terminating or invalidating any minimum wholesale or minimum retail prices for fluid milk or fluid cream, or both, established by the director prior to the effective date of such amendment; provided, that the director shall establish minimum wholesale and minimum retail prices pursuant to the provisions of such amendment, for each marketing area, at the earliest practicable date and in any event within two years from the effective date of such amendment.

CHAPTER 1311

An act to add Part 1.5 to Division 2 of the Revenue and Taxation Code, relating to uniform local sales and use taxes.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 24, 1955.]

In effect September 7, 1955

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

SECTION 1. Part 1.5 is added to Division 2 of the Revenue and Taxation Code, to read:

PART 1.5. UNIFORM LOCAL SALES AND USE TAXES

Short title

7200. This part is known and may be cited as the "Bradley-Burns Uniform Local Sales and Use Tax Law."

County sales and use tax

7201. Any county may by action of its board of supervisors adopt a sales and use tax in accordance with the provisions of this part.

Retail sales tax

7202. The sales tax portion of any sales and use tax ordinance adopted under this part shall be imposed for the privilege of selling tangible personal property at retail, and shall include provisions in substance as follows:

Rate

(a) A provision imposing a tax for the privilege of selling tangible personal property at retail upon every retailer in the county at the rate of one percent (1%) of the gross receipts of the retailer from the sale of all tangible personal property sold by him at retail in the county.

Incorporation of state law

(b) Provisions identical to those contained in Part 1 of Division 2 of this code, insofar as they relate to sales taxes, except that the name of the county as the taxing agency shall be substituted for that of the State and that an additional seller's permit shall not be required if one has been or is issued to the seller under Section 6068 of this code.

Amendments

(c) A provision that all amendments subsequent to the effective date of the enactment of Part 1 of Division 2 of this code relating to sales tax and not inconsistent with this part, shall automatically become a part of the sales tax ordinance of the county.

Administration by State Board of Equalization

(d) A provision that the county shall contract prior to the effective date of the county sales and use tax ordinance with the State Board of Equalization to perform all functions incident to the administration or operation of the sales and use tax ordinance of the county.

Exemption Sales, etc., taxed by another city, etc

(e) A provision that the sale, storage, use or other consumption of tangible personal property, the gross receipts from the sale of or the cost of which has been subject to sales or use tax under a sales and use tax ordinance enacted in accordance with this part by any other city and county, county, or city in any other county in this State, shall be exempt from the tax due under this ordinance.

Tax inoperative

(f) A provision that such ordinance may be made inoperative not less than 60 days, but not earlier than the first day of the calendar quarter, following an increase by any city within the county of the rate of its sales or use tax above the rate in effect at the time the county ordinance was enacted.

Exemption Use or consumption on carriers, vessels

(g) Purchases of property by operators of common carrier and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels, principally outside a city, city and county or county are exempt from the tax.

Credit for city sales and use tax

(h) That any retailer subject to a sales and use tax under the county ordinance shall be entitled to credit against the payment of taxes due under that ordinance the amount of sales and use tax due to any city in which the place of business is located; provided, that the city sales and use tax is levied under an ordinance including provisions in substance as follows:

(1) A provision imposing a tax for the privilege of selling tangible personal property at retail upon every retailer in the city at the rate of 1 percent or less of the gross receipts of the retailer from the sale of all tangible personal property sold by him at retail in the city and a use tax of 1 percent or less of purchase price upon the storage, use or other consumption of tangible personal property purchased from a retailer for storage, use or consumption in the city.

(2) Provisions identical to those contained in Part 1 of Division 2 of this code, insofar as they relate to sales and use

taxes, except that the name of the city as the taxing agency shall be substituted for that of the State and that an additional seller's permit shall not be required if one has been or is issued to the seller under Section 6068 of this code.

(3) A provision that all amendments subsequent to the effective date of the enactment of Part 1 of Division 2 of this code relating to sales and use tax and not inconsistent with this part, shall automatically become a part of the sales and use tax ordinance of the city.

(4) A provision that the city shall contract prior to the effective date of the city sales and use tax ordinance with the State Board of Equalization to perform all functions incident to the administration or operation of the sales and use tax ordinance of the city which shall continue in effect so long as the county within which the city is located has an operative sales and use tax ordinance enacted pursuant to this part.

(5) A provision that the sale, storage, use or other consumption of tangible personal property, the gross receipts from the sale of or the cost of which has been subject to sales or use tax under a sales and use tax ordinance enacted in accordance with this part by any other city and county, county other than the county in which the city is located, or city in this State, shall be exempt from the tax due under this ordinance.

(6) Purchases of property by operators of common carrier and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels, principally outside a city, city and county or county are exempt from the tax.

(7) A provision that the storage or use of tangible personal property in the transportation or transmission of persons, property, or communications or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State of California shall not be subject to a use tax.

Use tax

7203. (a) The use tax portion of any sales and use tax ordinance adopted under this part shall impose a complementary tax upon the storage, use or other consumption in the county of tangible personal property purchased from any retailer for storage, use or other consumption in the county. Such tax shall be at the rate of one percent (1%) of the sales price of the property whose storage, use or other consumption is subject to the tax and shall include:

Rate

Incorporation of state law

(1) Provisions identical to the provisions contained in Division 2, Part 1, of this code, other than Section 6201, insofar as such provisions relate to the use tax except that the name of the county as the taxing agency enacting the ordinance shall be substituted for that of the State.

Amendments

(2) That all amendments subsequent to the date of such ordinance to the provisions of the Revenue and Taxation Code relating to the use tax and not inconsistent with this part shall automatically become a part of the ordinance.

Exemption Use, etc., taxed by another city, etc

(3) A provision that the storage, use or other consumption of tangible personal property, the gross receipts from the sale of or the cost of which has been subject to sales or use tax under a sales and use tax ordinance enacted in accordance with this part by any other city and county, county, or city in another county in this State, shall be exempt from the tax due under this ordinance.

Property stored or used by public utilities

(4) A provision that the storage or use of tangible personal property in the transportation or transmission of persons, property, or communications or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State of California shall not be subject to a use tax.

Collections, payment to cities, etc

7204. All sales and use taxes collected by the State Board of Equalization pursuant to contract with any city, city and county or county shall be transmitted by the board to such city, city and county or county monthly, and the board shall charge the city, city and county or county for the board's services specified in this section and Section 7202 such amount as will reimburse the board for the cost to it in rendering the services.

Presumption re place of sale

7205. All retail sales for the purpose of this part shall be presumed to have been consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated for the purposes of this part shall be determined under rules and regulations to be prescribed and adopted by the board.

Severability

7206. If any provision or provisions of this part are declared to be invalid by a final decision of a court of competent jurisdiction, all of the provisions of this part shall be null and void.

Construction

7207. Nothing in this part shall require or be construed to require any city, county, or city and county, to impose any sales or use taxes or to increase any sales or use taxes.

Operative date

SEC. 2. This act shall not become operative until April 1, 1956.

CHAPTER 1312

An act to add Article 9 to Chapter 2, Part 1, Division 1 of the Health and Safety Code, relating to air sanitation.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 27, 1955.] In effect September 7, 1955

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

SECTION 1. Article 9 is added to Chapter 2, Part 1, Division 1 of the Health and Safety Code, to read:

Article 9. Air Sanitation

425. The State Department of Public Health shall maintain a program of air sanitation, including, but not limited to:

(a) The conduct of studies to determine the health effects of air pollution;

(b) The determination of the physiological effects of air pollution upon plant and animal life;

(c) The determination of factors responsible for air pollution;

(d) The monitoring of air pollutants;

(e) The development of administrative means of control of air pollution in emergencies;

(f) Assistance to local agencies in effectuating all of the subdivisions of this section.

426. The department may enter into agreements with any public or private organization, agency, or individual to carry out its duties and responsibilities with respect to air sanitation

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CHAPTER 1313

An act to amend Section 19627 of the Business and Professions Code, relating to the state revenue derived from horse racing licenses, and making an appropriation.

[Approved by Governor June 24, 1955. Filed with Secretary of State June 27, 1955.] In effect September 7, 1955

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:

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, seven hundred fifty thousand dollars ($750,000). 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.

CHAPTER 1314

An act to add Section 70141.6 to the Government Code, relating to court commissioners.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 70141.6 is added to the Government Code, to read:

Kern County Superior Court Commissioner

70141.6. In any county with a population exceeding 220,000 and not exceeding 235,000, as determined by the 1950 Federal Census, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive an annual salary of eight thousand four hundred dollars ($8,400) and shall be allowed actual traveling expenses pursuant to Section 70148.

CHAPTER 1315

An act to add Section 142.1 to the Vehicle Code, relating to vehicles exempted from registration.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 142.1 is added to the Vehicle Code, to read:

142.1. Exemption From Registration of Cemetery Vehicles, Implements, or Equipment. The registration provisions of this chapter shall not apply to any vehicle, implement, or equipment specifically designed for and used exclusively in the maintenance of cemetery grounds, which is only incidentally operated or moved on a highway.

CHAPTER 1316

An act to amend Section 28119 of the Government Code, relating to compensation for public service in counties of the nineteenth class.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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, seven thousand eight hundred dollars ($7,800) a year.

(b) The district attorney, eight thousand dollars ($8,000) a year.

(c) Each supervisor, four thousand eight hundred dollars ($4,800) a year for all services rendered including mileage. 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 five dollars ($5) for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of ten cents ($0.10) for each mile traveled one way each day.

(e) Grand jurors, five dollars ($5) for each day's attendance upon the duly called sessions of the grand jury. In addition, mileage fees shall be allowed grand jurors for attendance at grand jury sessions at the rate of ten cents ($0.10) for each mile traveled one way each day.

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

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.

CHAPTER 1317

An act to amend Section 2210.5 of the Streets and Highways Code, relating to federal aid for secondary highways.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 2210.5 of the Streets and Highways Code is amended to read:

2210.5. The department shall pay the State's share for construction of county highways as provided in this chapter out of the money received in the State Highway Fund under Section 2108, and the money so paid shall be included in the computation of compliance with the requirements of Section 188. The funds made available by this section shall be apportioned for expenditure in the counties on the same formula as provided in paragraph (b) of Section 4 of the Federal-Aid Highway Act of 1944 for apportionment among the states; provided, however that no county shall receive a total amount in excess of one hundred thousand dollars ($100,000) in any one year. The department may advance funds from the State Highway Fund, if available, as necessary to permit award of contracts at any time after January 1st preceding the beginning of the fiscal year to which the federal apportionments apply. None of the money made available by this section shall be expended on any highway, street, or road which is not a county highway, except as expressly otherwise provided in this chapter. The increase in the State's share provided for by the 1955 Regular Session of the Legislature shall be available for apportionment beginning with the 1955-1956 Fiscal Year.

CHAPTER 1318

An act to amend Sections 12, 15, 16, 17, 22, 23, 24, and 33 of, and to add Section 16.1 to, the Municipal Water District Act of 1911 (Chapter 671 of the Statutes of 1911), relating to municipal water districts.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 12 of the Municipal Water District Act of 1911 (Chapter 671 of the Statutes of 1911) is amended to read:

District powers

Sec. 12. Any municipal water district incorporated as herein provided, shall have power:

Perpetual succession

1. To have perpetual succession;

Suits

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;

Seal

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

Acquisition and use of property

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the district;

Acquisition of water works, etc

5. To acquire, or contract to acquire, water works or a water works system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful

or necessary to store, convey, supply or otherwise make use of water for a water works plant or system for the benefit of the district, and to complete, extend, add to, repair, or otherwise improve any water works or water works system acquired by it as herein authorized;

Lease, etc., of water storage facilities, etc

6. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing water works or a water works system, and to carry on and conduct water works or a water works system; also to sell water under the control of the district to cities, and to other public corporations and public agencies within the district, and to the inhabitants of such cities and of other territory within the district, and to persons, corporations, and other private agencies within the district for use within said district without any preference, and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said district, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

Delivery of water to public schools, etc

6a. To supply and deliver district water to publicly owned and operated golf courses and other publicly owned and operated recreational facilities and to public schools, school districts and public school properties, and to fix and establish special rates, terms and conditions for the use and sale of water for each of these purposes; provided, however, that this provision shall not be construed to indicate legislative intent either for or against the existence of any power of the district to furnish water to other persons, firms or corporations at just and reasonable rates;

Eminent domain

7. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the district or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing water works or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the district shall have all of the rights, powers and privileges of a city; provided, 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, cables or poles of any public utility which is required to be removed to a new location;

Bonds

8. To borrow money and incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or property thereof; also to issue warrants to pay the formation expenses of the district, which warrants may bear

interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings, but shall not include the expenses of holding and conducting the formation election;

Notes

8a. To issue temporary negotiable notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the district payable from revenues and taxes in the same manner as bonds of said district; and provided further, that the maturity shall not be later than three years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed 1 percent of the assessed valuation of the taxable property in the district or, if said assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate;

Taxes

9. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the district, including its formation expenses and any warrants issued therefor;

Restrict use of water

9a. To restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of district water or the use of district water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the district; to prohibit use of such water during such periods for specific uses which the district may from time to time find to be nonessential;

Ordinances

9b. To prescribe and define by ordinance the restrictions, prohibitions and exclusions referred to in subdivision 9a hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published once in full in a newspaper of general circulation, printed, published and circulated in the district within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the district;

Contracts

10. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers;

11. In case of condemnation proceedings the board shall proceed in the name of the district;

Pensions

12. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the district, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers

or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

Salvage etc. of water

13. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses of the district or its inhabitants or the owners of rights to water therein.

Cooperation with public agencies, etc

14. To join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of such district, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for an agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation or public district of this State. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract shall not be executed without the assent of two-thirds of the qualified electors of the district voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the district.

"Public agency"

Water right suits

15. To commence, maintain, intervene in, and compromise, in the name of the district, 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 a common benefit to lands within the district or its inhabitants.

SEC. 2. Section 15 of said act is amended to read:

Issuance of bonds

Sec. 15. Whenever the board of directors deems it necessary for the district to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in said district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said district. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 5 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year; (e) the measure to be submitted to the voters; (f) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (g) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing the resolution calling the election once each week for two weeks, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such district. If there is no newspaper published in such district, then such resolution shall be posted in three public places in such district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given. The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all

proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 3. Section 16 of said act is amended to read:

Same. Bonds payable from taxes levied on portion of district

Sec. 16. Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the district, the board shall, by resolution, so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the district which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the district, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvement, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the district and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the district or in the proposed improvement district, will be heard. Notice of said hearing shall be given by publishing a copy of the resolution at least once each week for two weeks prior to the time fixed for the hearing in a newspaper printed and published in the municipal water district, if there is a newspaper printed and published in such district. Such notice shall also be given by posting a copy of said resolution in six public places within the proposed improvement district at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the district or within the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution

declaring the necessity for incurring the bonded indebtedness. The board shall have power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement.

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notice of its intention to do so, given by one insertion in a newspaper printed and published in said municipal water district, if there is a newspaper printed and published in such district, and by posting in six public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the district, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the district or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the district which will be benefited are set forth on a map on file with the secretary of the district, which map shall govern for all details as to the extent of the improvement district, and that said portion of the district set forth on said map shall thereupon constitute and be known as "Improvement District No. _____ of _____ Municipal Water District", and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within a municipal water district pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only, to the improvement district, and taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

After the board has made its determination of the matters required to be determined by said last mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of

incurring indebtedness by the issuance of bonds of the district for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the district, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed 5 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the said year; (h) the measure to be submitted to the voters; (i) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing the resolution calling the election at least once each week for two weeks prior to the date of the proposed election, in at least one newspaper printed and published in such municipal water district, if there is a newspaper printed and published in such district. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the

date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

SEC. 4. Section 16.1 is added to said act to read:

Annexation to improvement district

Sec. 16.1. Any portion of a municipal water district situated contiguous to an improvement district thereof, may be annexed to said improvement district in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the district, signed by holders of title to sixty percent (60%) or more of the land in the portion proposed to be annexed, which land as so represented in said petition shall have an assessed valuation of not less than fifty percent (50%) of the land so proposed to be annexed. The petition shall contain the following: (a) a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the district, which map shall govern for all details as to the extent of the area proposed to be annexed, or in any other definite manner; (b) the terms and conditions upon which said proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the district; and (c) a prayer that the board of directors declare such area to be annexed to the improvement district. Said petition shall be accompanied by a certified check payable to the order of the district in sufficient sum to reimburse said district for expenses of processing and publishing the petition and preparing and making the filings required by law.

Within 10 days of the date of the filing of such petition the secretary of the district shall examine the same and ascertain whether or not such petition is signed by the required number of property owners; and, if requested by the secretary of the district, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the district has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of property owners, or is not so signed, he shall certify that the same is sufficient, or insufficient, as the case may be.

If by the certificate of the secretary of the district the petition is found to be insufficient, said petition may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the district shall, within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If by the certificate of the secretary such petition, or petition as amended, is shown to be sufficient the secretary shall cause notice of hearing on the petition to be published and posted without delay.

The text of said petition shall be published once a week for at least two weeks prior to the time at which the same is to be presented to the board of directors of the district, in at least one newspaper printed and published in such municipal water district, if there is a newspaper printed and published in such district, together with a notice stating the time and place of the meeting at which the same will be presented. When contained upon one or more instruments one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated. Said notice and petition shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed, at least two weeks prior to the hearing.

The board of directors of the district shall proceed to hear the petition at the time and place fixed therefor and any person residing within the municipal water district or improvement district or owning taxable property in said district or improvement district shall be entitled to appear and be heard at such hearing. Such hearing may be continued from time to time by the board of directors of the district. At the conclusion of the hearing, and if the board of directors finds and determines from the evidence presented at said hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which said area proposed to be annexed will also be benefited thereby and will not be injured thereby, then and in such case the board of directors of the district may, by resolution, approve such annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the district, which map shall govern for all details as to the extent of the annexed area, or in any other definite manner, and the terms and conditions of annexation as theretofore determined by resolution of the board of directors.

From and after the date of the adoption of such resolution the area named therein shall be deemed added to and shall form a part of said improvement district and the taxable property therein shall be subject to taxation thereafter for the purposes of said improvement district, including the payment of the principal of and interest on bonds and other obligations of such improvement district at the time authorized and outstanding at the time of said annexation as if said annexed property had always been a part of said improvement district, and the board of directors of such municipal water district shall be empowered to do all things necessary to enforce and make

effective the terms and conditions of annexation fixed as hereinabove authorized.

Any action or proceeding wherein the validity of any such annexation is contested, questioned or denied must be commenced within three months after the date of issuance by the Secretary of State of his certificate; otherwise said annexation shall be held to be valid and in every respect legal and incontestable.

SEC. 5. Section 17 of said act is amended to read:

Bonds Two-thirds vote, issuance, sale, form, etc

Sec. 17. If from such returns it appears that more than two-thirds of the votes cast at such election held pursuant to the provisions of Section 15 or of Section 16 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the district for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for the bonds of each series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

The board of directors shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed five percent (5%) per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one thousand dollars ($1,000). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the district, countersigned by the secretary of the district, and the official seal of the district attached. The interest coupons of such bonds shall be signed by the treasurer of said district. All such signatures and countersignatures may be printed, lithographed or me-

chanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said district, said bonds are bonds of the district and shall be issued in the name of the district and shall be designated "Bonds of _____ Municipal Water District for Improvement District No. _____" and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder If no bids are received, or if said board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

The proceeds arising from the sale of bonds shall be paid into the treasury of the district and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds. Said remaining moneys remaining from the sale of bonds of the district may also be used for some other municipal water district purpose. Such moneys remaining from the sale of bonds of the district for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other municipal water district purpose or improvement district purpose until two-thirds of the qualified voters of said district or improvement district have consented thereto at a special election called in said district or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said district or improvement district, as the case may be, and in other respects the election shall be conducted as are other municipal water district elections.

SEC. 6. Section 22 of said act is amended to read:

Sec. 22. The board of directors, so far as practicable, shall fix such rate or rates for water in the district and in each improvement district therein as will result in revenues which will pay the operating expenses of the district, and the improvement district, provide for repairs and depreciation of works, provide a reasonable surplus for improvements, extensions, and enlargements, pay the interest on any bonded debt, and provide a sinking or other fund for the payment of the principal of such debt as it may become due. Said rates for

Water rates

water in each improvement district may vary from the rates of the district and from other improvement districts therein.

SEC. 7. Section 23 of said act is amended to read:

Taxation

Sec. 23. If the revenues of the district, or of any improvement district therein, are or in the judgment of the board of directors will probably be inadequate for any cause to pay the principal of or interest on any bonded debt of the district, or any improvement district thereof, as it becomes due and also the amounts set forth in Section 22 of this act, the board of directors must cause a tax to be levied, as herein provided, sufficient to provide for such deficit and to pay the amount of such principal and interest as will become due before the proceeds of a tax levied at the next general tax levy will be available.

SEC. 8. Section 24 of said act is amended to read:

Tax rate levy, collection, etc

Sec. 24. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the district, and within a reasonable time previous to the time when the board of supervisors is required by law to fix its tax rate, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of an interest on any bonded debt of the district or of an improvement district thereof as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the district. The board of directors shall direct that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy, in addition to such other tax as may be levied by such board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the district, or improvement district thereof benefited by the bonded debt, as the case may be, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required. Taxes for the payment of the interest on or principal of any bonded debt shall be levied on the property within the district, or improvement district thereof, benefited by the bonded debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Taxes for other purposes of the district shall be levied on all property in the district or portion thereof subject to the particular tax. And it shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in time, form, and manner as county taxes are collected, and when collected to pay the same to the district. Taxes for the payment of a bonded debt and the interest thereon shall be a lien on

all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the district shall be a lien on all the property in the district subject to the respective tax. District taxes, whether for payment of a bonded indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 9. Section 33 of said act is amended to read:

Sec. 33. The inclusion in, or annexation or addition to, a municipal water 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 municipal water district. Except for formation proceedings commenced before the effective date of the amendments to this act made by the 1955 Regular Session of the Legislature, no public corporation or public agency having identity of purpose or substantial identity of purpose shall be formed partly or entirely within a municipal water district existing under this act without the consent of such municipal water district.

Overlapping boundaries Annexation, formation of public agency

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CHAPTER 1319

An act to amend Section 39 of the San Francisco Bay Area Metropolitan Rapid Transit District Act (Chapter 1239 of the Statutes of 1949), and to add Section 2.5 to Chapter 1212 of the Statutes of 1953, relating to the San Francisco Bay Area Rapid Transit Commission.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 39 of the San Francisco Bay Area Metropolitan Rapid Transit District Act is amended 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.

Termination of commission

(h) The existence of the commission shall terminate December 31, 1955, unless the commission, by a two-thirds vote, shall, on or before September 30, 1955, 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, 1957. In any event, the commission shall cease to exist on December 31, 1957.

SEC. 2. Section 2.5 is added to Chapter 1212 of the Statutes of 1953, to read:

Authorization to expend funds

Sec. 2.5. The San Francisco Bay Area Rapid Transit Commission is hereby authorized to expend any portion of

the said sum of four hundred thousand dollars ($400,000) appropriated by Section 1 of this act, which has not been allocated or which in the opinion of the commission is not necessary for the objects set forth in Section 1, for the purpose of disseminating to the public from time to time full information concerning the plan and studies mentioned in Sections 1 and 2 of this act and for the purpose of performing such other acts which in the opinion of the commission are necessary to enable prompt implementation of the plan. With the consent of any one of the boards of supervisors of the several counties mentioned in Section 2, the commission is further authorized to expend any portion of the sum of three hundred fifty thousand dollars ($350,000) appropriated pursuant to Section 2 of this act, which has not been allocated or which in the opinion of the commission is not necessary for the objects set forth in Section 2, for the purpose of disseminating to the public from time to time full information concerning the plan and studies mentioned in Sections 1 and 2 of this act and for the purpose of performing such other acts which in the opinion of the commission are necessary to enable prompt implementation of the plan; provided, however, that the authorization contained in this sentence shall not apply to any portion of the contribution of any county not so consenting.

CHAPTER 1320

An act to amend Section 19.6 of the Fish and Game Code, relating to the powers of the Fish and Game Commission.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.] In effect September 7, 1955

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 1957 Regular Session of the Legislature and thereafter shall have no force or effect.

CHAPTER 1321

An act to amend Section 1290 of the Fish and Game Code, relating to the use of deer skins or hides.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.] In effect September 7, 1955

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

SECTION 1. Section 1290 of the Fish and Game Code is amended to read:

1290. The skin or hide of any deer lawfully taken and possessed for the period provided under Section 1288, may be sold, purchased, tanned, or manufactured into articles for sale. Notwithstanding the provisions of Section 1288, skins or hides of deer lawfully taken may be donated any time to veterans' organizations or veterans' service committees for use by veterans for rehabilitation purposes. The donor shall obtain a receipt which shall be attached to the antlers of the deer from which the skin was taken for retention during the period stipulated by Section 1288.

CHAPTER 1322

An act to add Section 692 to the Fish and Game Code, relating to the sale of fish.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 692 is added to the Fish and Game Code, to read:

692. It shall be unlawful for any person to sell or purchase any of the following fishes: striped bass, California corbina, spotfin croaker, yellowfin croaker, trout, catfish (except imported tagged trout or catfish), and all fishes of the Family Centrarchidae (black bass and sunfish family), and any other fishes taken under the privilege of a sporting fishing license, or to possess more than one daily bag limit of such fishes as provided by statute or by regulation of the Fish and Game Commission adopted pursuant to Article 1 of Chapter 2 of Division 1 of this code.

The provisions of this section shall have no application to domestic fish raised under the provisions of Article 3, Chapter 5, Part 2, Division 4 of this code.

CHAPTER 1323

An act to amend Section 24040 of the Business and Professions Code, relating to alcoholic beverage licenses.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 24040 of the Business and Professions Code is amended to read:

24040. Each license shall be issued to a specific person and, except in the case of licenses authorizing the sale of alcoholic

beverages on trains or boats, or the service of alcoholic beverages on airplanes shall be issued for a specific location, the principal address of which shall be indicated on the license. Except as provided in Section 24044, any license issued for a specific location shall be placed in use at that location within 30 days of the date of issuance or become null and void.

CHAPTER 1324

An act to amend Section 28132 of the Government Code, relating to compensation for public services in counties of the thirty-second class.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 28132 of the Government Code is amended to read:

Mendocino County officers Salaries

28132. In a county of the thirty-second 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, seven thousand two hundred dollars ($7,200) a year.

(b) The district attorney, eleven thousand dollars ($11,000) a year. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year. He shall also receive the following mileage and traveling expenses: (1) twelve cents ($0.12) a mile in traveling to and from his residence to the county seat in attending sessions of the regular and special meetings of the board of supervisors and in attending sessions of the meetings of the board of supervisors when the board convenes as a board of equalization; and (2) twenty cents ($0.20) a mile to and from his residence while traveling in the county for the purpose of inspecting and viewing roads, not to exceed nine hundred dollars ($900) in any one year; and, (3) eight cents ($0.08) a mile to and from his residence while traveling inside the county in the performance of his duties other than those listed in items (1) and (2), and eight cents ($0.08) a mile to and from his residence when traveling outside the county on business authorized or ratified by the board of supervisors. In addition to the above mileage each member of the board shall receive his other actual travel expenses incurred by him while traveling for any of the purposes set forth in items (1), (2) and (3) of this paragraph.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for the first day's attendance,

and six dollars ($6) thereafter, and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the place of service, in going only, to be allowed but once during any one session of the court or grand jury. Jurors in justice courts and coroner's inquests shall receive two dollars ($2) for each day's attendance, and ten cents ($0.10) for each mile actually and necessarily traveled from their residences to the place of service, in going only. The fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid.

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

CHAPTER 1325

An act to amend Sections 1091 and 36526 of the Government Code, relating to public officers.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 1091 of the Government Code is amended to read:

1091. An officer shall not be deemed to be interested in a contract if his interest is:

(a) The ownership of less than 3 percent of the shares of a corporation for profit;

(b) That of a nonsalaried officer of a nonprofit corporation; or

(c) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.

SEC. 2. Section 36526 of said code is amended to read:

36526. An officer shall not be deemed to be interested in a contract if his interest is:

(a) The ownership of less than 3 percent of the shares of a corporation for profit;

(b) That of a nonsalaried officer of a nonprofit corporation; or

(c) That of an officer in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.

CHAPTER 1326

An act to add Section 4319.5 to the Agricultural Code, relating to appointment of persons to administer sales stimulation and consumer educational programs on fluid milk and fluid cream.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 4319.5 is added to the Agricultural Code, to read:

4319.5. In the event of a vacancy on any committee appointed to administer a sales stimulation and consumer educational program, the director shall appoint another person from the list of persons nominated at the public hearing. If there is no person on such list who is eligible and willing to accept such appointment, then the director shall hold a nomination meeting within the marketing area for the purpose of receiving nominations, and the director shall appoint one of the persons so nominated. A notice of such nomination meeting or meetings shall be mailed by the director to all producers of record with the department eligible to sign a petition for such a program, and if the program was initiated both by producers and distributors, such notice shall also be mailed to all distributors of record eligible to sign such petition for such marketing area.

CHAPTER 1327

An act to amend Section 4984 of the Education Code, relating to noncertificated employees of reorganized school districts.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 4984 of the Education Code is amended to read:

4984. If a component district, or districts, representing the majority of registered voters within a district as reorganized under this chapter, has, or have, previously adopted the merit system, all noncertificated employees of said school district shall be employed in accordance with Article 5 of Chapter 13 of Division 7, and the merit system of the component district having the greatest number of registered voters at the time of the election for unification or other reorganization shall become the merit system for the reorganized district and the personnel of all component districts shall become the personnel of the reorganized district, retaining all rights and privileges as if

they had been employed under the provisions of Article 5 of Chapter 13 of Division 7 of this code, with seniority commencing as of the date of original employment in the component district, except that where there are more than a sufficient number of employees for a given classification under provisions of Article 5 of Chapter 13 of Division 7, the excess personnel of the reorganized district shall be placed upon appropriate reemployment lists for three years and may accept positions of lower rank in their line of promotion in the order of seniority as established by this section in accordance with rules drawn in compliance with the provisions of Article 5 of Chapter 13 of Division 7.

In the event a component district, or districts, representing less than a majority of the registered voters within a reorganized school district has, or have, previously adopted the merit system for noncertificated employees, the governing board of the reorganized school district shall either adopt the merit system for the reorganized school district, or it shall cause to be placed on the ballot at the first school election following the reorganization of the district, a measure to adopt the merit system for the reorganized district. A majority of the votes cast shall be required to adopt the merit system. Until such election, is held, the merit system shall continue in force for the affected employees, and the cost thereof shall be borne by the reorganized district.

CHAPTER 1328

An act to amend Section 28149 of the Government Code, relating to compensation for public service in counties of the forty-ninth class.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 28149 of the Government Code is amended to read:

Lake County officers Salaries

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:

(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 six hundred dollars ($3,600) 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.

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. Incumbents

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CHAPTER 1329

An act to amend Sections 34033, 35003, 35004, 35005, 35152, 35153, 35155, 35401, 35951, 35954, 35996, 35998, 36050, 36173, 36190, 36192, 36195, 36198, 36199, 36200, 36201, 36212, 37355, 37370, and 37371 of, to add Sections 34036, 35155.1, 35975, 35998.1, 36202, 36213.1, and 36215 to, and to repeal Sections 35952, 35975 and 35976 of the Water Code, all relating to California water districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.] In effect immediately

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

SECTION 1. Section 34033 of the Water Code is amended to read:

34033. "Works" includes works to supply water for domestic, industrial, and municipal purposes, irrigation works, drainage works, reclamation works, distributing systems, dams, reservoirs, and canals. "Works"

SEC. 2. Section 34036 is added to the Water Code, to read:

34036. Whenever by this division a notice is required to be published for a designated number of weeks or once a week for a designated number of weeks, the notice need be published on only one day of each week and for only the same number of times as the number of weeks designated. Notice Publication

SEC. 3. Section 35003 of the Water Code is amended to read:

35003. Each voter shall have one vote for each dollar's worth of land to which he holds title. The next preceding assessment book of the district is conclusive evidence of ownership and of the value of the land so owned except that in the event that an assessment for a district shall not have been made and levied for the year in which the election is held, the last equalized assessment roll of each affected county shall be used in lieu of the assessment book of the district. Voting rights

SEC. 4. Section 35004 of the Water Code is amended to read:

Proxy voting

35004. Every voter, or his legal representative, may vote at any district election either in person or by a person duly appointed as his proxy.

SEC. 5. Section 35005 of the Water Code is amended to read:

Requirements

35005. No appointment of a proxy shall be valid, accepted, or vote allowed thereon at any district election unless it meets all of the following requirements:

(a) It is in writing.

(b) It is executed by the person or legal representative of the person who, in accordance with the provisions of Section 35003, is entitled to the votes for which the proxy is given.

(c) It is acknowledged.

(d) It specifies the election at which it is to be used. An appointment of a proxy shall be used only at the election specified.

Every appointment of a proxy is revocable at the pleasure of the person executing it at any time before the person appointed as proxy shall have cast a ballot representing the votes for which the appointment was given.

SEC. 6. Section 35152 of the Water Code is amended to read:

Notice of bond election

35152. Notice of a bond election shall specify:

(a) The time and place of the election.

(b) The purpose of the election.

(c) The amount and type of bonds proposed to be issued.

(d) The maximum interest rate to be paid.

(e) The purpose of the bonds.

SEC. 7. Section 35153 of the Water Code is amended to read:

Ballots

35153. The ballots cast at a bond election shall specify the amount and purpose of the proposed bond issue and the maximum rate of interest to be paid on the bonds.

SEC. 8. Section 35155 of the Water Code is amended to read:

Votes required

35155. The board may, by resolution, at such time or times as it deems proper, provide for the issuance of all or any part of the bonds if:

(a) At an election to determine whether general obligation bonds should be issued two-thirds of the votes cast favor the issuance of the bonds.

(b) At an election to determine whether revenue bonds should be issued a majority of the votes cast favor the issuance of the bonds.

SEC. 9. Section 35155.1 is added to the Water Code, to read:

Bond series

35155.1. The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series.

SEC. 10. Section 35401 of the Water Code is amended to read:

35401. A district may acquire, plan, construct, maintain, improve, operate, and keep in repair the necessary works for the production, storage, transmission, and distribution of water for irrigation, domestic, industrial, and municipal purposes, and any drainage or reclamation works connected therewith or incidental thereto. Acquisition etc., of works

SEC. 11. Section 35951 of the Water Code is amended to read:

35951. Bonds may be issued for the purposes of acquiring or constructing works for irrigation, domestic, municipal, and industrial water supply, acquiring the necessary property for these works, acquiring funds to fulfill contractual commitments to carry out the powers and purposes of the district contained in contracts with other agencies, acquiring all or part of the operating funds for the district (the total amount of such funds so acquired not to exceed at any time an amount equal to the total operating costs of the district for a two-year period as estimated by its board), acquiring any property necessary for the purposes of the district and otherwise carrying out the provisions of this division. Bond purposes

SEC. 12. Section 35952 of the Water Code is repealed. Repeal

SEC. 13. Section 35954 of the Water Code is amended to read:

35954. A district may, when necessary or proper, issue additional bonds in the same manner as provided for the original issue for any one or more of the following purposes: Additional bond issues

(a) To complete works.

(b) To acquire property or property rights necessary or proper to complete the works.

(c) To supply the land with sufficient water for irrigation, domestic, industrial, and municipal purposes.

(d) To make additions to the works.

(e) To refund any issue of bonds previously made.

SEC. 14. Sections 35975 and 35976 of the Water Code are repealed. Repeal

SEC. 14.1. Section 35975 is added to the Water Code, to read:

35975. Unless otherwise provided in the proceedings for the issuance of the bonds, they and the interest on them shall be made from an annual assessment upon land or charges which in the discretion of the board are fixed and collected in lieu thereof and all land shall be and remain liable to be assessed for these payments. Annual assessments

SEC. 14.2. Section 35996 of the Water Code is amended to read:

35996. The bonds, or any part thereof, may be issued and sold as the board determines. Before selling the bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as the board may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded Sale of bonds

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.

SEC. 15. Section 35998 of the Water Code is amended to read:

Delivery

35998. When any bonds are sold by the district, the treasurer shall deliver the bonds purchased to the purchaser upon receiving the purchase price of said bonds plus the accrued interest on said bonds and the premium, if any, bid by the purchaser.

SEC. 16. Section 35998.1 is added to the Water Code, to read:

Disposition of interest, premium, and purchase price

35998.1. The accrued interest and premium, if any, shall be placed in the general obligation bond fund. The purchase price of said bonds shall be placed in the proper improvement fund and applied exclusively to the purposes for which said bonds were voted. When said purposes have been accomplished any moneys remaining in said improvement fund shall be transferred to the general obligation bond fund and when all principal of and interest on said bonds has been paid, the balance of money then remaining in the general obligation bond fund shall be transferred to the general fund.

SEC. 17. Section 36050 of the Water Code is amended to read:

Validation action

36050. As soon as bonds have been authorized at an election, the district or any holder of title to land may institute a proceeding in the superior court of the principal county to determine that the bonds are legal obligations of the district. The complaint shall set forth:

(a) That on a specified date bonds of the district were voted.

(b) The amount of the bonds.

(c) A prayer that the bonds be adjudged valid legal obligations of the district.

SEC. 18. Section 36173 of the Water Code is amended to read:

General obligation bonds Certification

36173. General obligation bonds shall not be sold, exchanged, or delivered unless said bonds shall have been investigated and certified as provided in Section 36152.

SEC. 19. Section 36190 of the Water Code is amended to read:

Form

36190. General obligation bonds shall be in such form as may be prescribed by the board.

SEC. 20. Section 36192 of the Water Code is amended to read:

Numbering

36192. Each issue or series of an issue of general obligation bonds shall be numbered consecutively, and the bonds of each issue or series of an issue shall be numbered consecutively from lower to higher as they mature and bear such date as may be prescribed by the board.

SEC. 21. Section 36195 of the Water Code is amended to read:

36195. General obligation bonds shall be payable at such time or times and place or places 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. Maturity date

SEC. 22. Section 36198 of the Water Code is amended to read:

36198. General obligation bonds shall bear interest at a rate not in excess of 7 percent per annum payable annually or semiannually as may be prescribed by the board. Interest rate

SEC. 23. Section 36199 of the Water Code is amended to read:

36199. The interest on general obligation bonds shall be payable at such place or places as may be prescribed by the board upon the presentation and surrender of the proper coupons. Payment of interest

SEC. 24. Section 36200 of the Water Code is amended to read:

36200. The interest coupons shall be in such form as may be prescribed by the board. Coupons Form

SEC. 25. Section 36201 of the Water Code is amended to read:

36201. Coupons for each installment of interest shall be attached to the bonds, numbered the same as the bonds, and signed by the secretary. Attaching, etc

SEC. 26. Section 36202 is added to the Water Code, to read:

36202. All the signatures on the bond or coupons may be printed, lithographed or otherwise mechanically reproduced, except that one of the signatures on the bond shall be manually affixed. Signatures

SEC. 27. Section 36212 of the Water Code is amended to read:

36212. If at the time the vote cast at the election is canvassed a two-thirds majority of the votes cast upon the proposition favors the destruction of the unsold general obligation bonds, the president, in the presence of a majority of the members of the board, shall destroy the bonds. Destruction of unsold bonds Vote

SEC. 28. Section 36213.1 is added to the Water Code, to read:

36213.1. If the unsold general obligation bonds shall not have been printed, the election provided for in this article shall be called and held to determine whether the authority to issue and sell said unprinted bonds shall be revoked. If two-thirds of the votes cast upon the proposition favor such revocation, the authority to issue and sell said unprinted bonds shall be revoked, the amount thereof deducted from the total amount authorized to be issued, and no part of said bonds shall thereafter be printed or issued. Unprinted bonds

SEC. 29. Section 36215 is added to the Water Code, to read:

Call and redemption

36215. The provisions of Sections 36303, 36304, 36305 and 36348 shall also be applicable to general obligation bonds.

SEC. 30. Section 37355 of the Water Code is amended to read:

Effect of assent

37355. When an assent to the exclusion of any land has been given by any bondholder, no assessments shall thereafter be levied on the land excluded on account of the bonds held by him at the time he gave his assent.

SEC. 31. Section 37370 of the Water Code is amended to read:

Liability of excluded land

37370. To the extent provided in Section 37355, the provisions of this article do not apply to outstanding general obligation bonds the holders of which have assented to the exclusion of land from the district.

SEC. 32. Section 37371 of the Water Code is amended to read:

Assessments

37371. Land excluded from a district shall be subject to assessment and be otherwise chargeable for the payment and discharge of all of the obligations outstanding at the time of the filing of the petition for the exclusion of the land as fully as though the land had not been excluded.

Urgency

SEC. 33. This act is an urgency measure necessary for the immediate preservation of public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such urgency and necessity are:

Certain of the California water districts are in a transitional stage, changing from predominantly agricultural areas to residential and industrial areas. Protection of public health and safety in such districts requires that adequate water be immediately supplied to these growing residential and industrial areas for fire protection, domestic and industrial use and other needful purposes of such areas. Some districts have been prevented from financing needed water facilities by means of bonds because of defects in existing legislation. The present law creating a prior lien for the first issue of bonds will make later financing of additional facilities difficult, if not impossible. If general obligation bonds are to be sold at a reasonable rate of interest, the bond provisions must be clarified and amplified and a more certain and expeditious method provided for the assessment and collection of district assessments. If this act becomes effective immediately, such districts can finance and construct needed water facilities without delay.

CHAPTER 1330

An act to amend Sections 37351 and 37420 of the Government Code, relating to acquisition and disposition of property by cities.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 37420 of the Government Code is amended to read:

37420. The provisions of this article are alternative to Sections 37350 and 37351 of this code and any other authority granted by law to cities to dispose of city-owned property.

SEC. 2. Section 37351 of said code is amended to read:

37351. The legislative body may purchase, lease, exchange, or receive such personal property and real estate situated inside or outside the city limits as is necessary or proper for municipal purposes. It may control, dispose of, and convey such property for the benefit of the city. The legislative body shall not sell or convey any portion of a water front, except to the State for use as a public beach or park.

CHAPTER 1331

An act to add Section 19480.2 to the Business and Professions Code, relating to horse racing.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 19480.2 is added to the Business and Professions Code, to read:

19480.2. No license to conduct a horse racing meeting at any place, track, or enclosure shall be issued to any corporation having any financial interest in the conduct of any horse racing meeting by any other corporation at any other place, track or enclosure in this State. Ownership of stock in one corporation by another corporation constitutes a financial interest within the meaning of this section.

CHAPTER 1332

An act to add Section 19480.1 to the Business and Professions Code, relating to horse racing.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 19480.1 is added to the Business and Professions Code, to read:

19480.1. No license to conduct a horse racing meeting shall be issued to any nonprofit corporation which has a status which entitles it to claim exemption from any tax imposed by this State, and no such license shall be issued to any applicant who proposes to conduct such a horse racing meeting for the benefit of any such nonprofit corporation or under any arrangement under which any such nonprofit corporation is to share in the receipts of the licensee from the conduct of such meeting, whether by rentals or otherwise. Nothing in this section shall prohibit the board, in its discretion, from issuing a license to conduct a horse racing meeting to any corporation to which it has, prior to the effective date of this section, issued a license to conduct a horse racing meeting.

CHAPTER 1333

An act to add Section 31671.2 to the Government Code, relating to retirement for county employees.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 31671.2 is added to said code, to read:

San Mateo County officers excepted

31671.2. The provisions of Section 31671 which relate to officers holding elective office shall not be applicable in any county having a population in excess of 230,000 but not in excess of 270,000.

Termination date

This section shall remain in effect until the ninety-first day after the final adjournment of the 1957 Regular Session of the Legislature. While this section is in effect its provisions shall supersede any existing provisions of law which are in conflict with the provisions of 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 1334

An act to amend Sections 7113 and 7114 of the Health and Safety Code, relating to permission and liability for autopsies.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 7113 of the Health and Safety Code is amended to read:

Permission for autopsy

7113. A cemetery authority or licensed funeral director or a licensed hospital or its authorized personnel may permit or assist, and a physician may perform, an autopsy of any remains in its or his custody upon the receipt of a written authorization from a person representing himself to be any of the following:

(a) The surviving spouse; (b) a surviving child or parent; (c) a surviving brother or sister; (d) any other kin or person who has acquired the right to control the disposition of the remains; (e) a coroner or any other duly authorized public officer. A cemetery authority or a licensed funeral director or a licensed hospital or its authorized personnel is not liable for permitting or assisting, and a physician is not liable for performing, an autopsy pursuant to such authorization unless he or it has actual notice that such representation is untrue at the time the autopsy is performed.

SEC. 2. Section 7114 of said code is amended to read:

Unauthorized autopsy

7114. Any person who performs, permits or assists at, an autopsy on a dead body without having first obtained (a) the authorization of the deceased in writing, including, but not limited to, the last will of the deceased; or (b) the authorization in writing of the person designated by Section 7100 of this code as having the right to control the disposition of the remains of the deceased; or (c) in the case of a cemetery authority or a licensed funeral director or a licensed hospital or its agents or a physician, the written authorization described in Section 7113 of this code, is guilty of a misdemeanor, except that this section shall not be applicable to the performance of an autopsy by the coroner or other officer authorized by law to perform autopsies.

CHAPTER 1335

An act to add Section 4303.5 to the Government Code, relating to purchases by public bodies.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 4303.5 is added to the Government Code, to read:

4303.5. Any provision of this article to the contrary notwithstanding, any such body or person may let a contract for the purchase of office machines or supplies therefor without regard to the place of their manufacture or the source of the materials from which such machines or supplies are manufactured, except that such contracts or purchases shall be subject to the provisions of Section 4334.

CHAPTER 1336

An act to add Section 8753, and to amend Section 8805 of the Business and Professions Code, relating to land surveyors.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 8753 is hereby added to the Business and Professions Code, to read:

Land surveyors Temporary license

8753. A temporary license as a land surveyor may be granted, upon application and payment of the temporary license 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 to do land surveying in the state or country where he maintains a place of business to do land surveying;

(c) His practice as a land surveyor 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 license to practice for a period of not to exceed 60 days.

SEC. 2. Section 8805 of the Business and Professions Code is amended to read:

Fee schedule

8805. The amount of the fee prescribed by this chapter is that fixed by the following schedule:

(a) The application fee is fifteen dollars ($15);

(b) The license fee is ten dollars ($10);

(c) The duplicate certificate fee is one dollar ($1);

(d) The annual renewal fee shall be fixed by the board at not more than six dollars ($6) and not less than four dollars ($4);

(e) Temporary license fee is ten dollars ($10).

CHAPTER 1337

An act to amend Section 35005 of the Government Code, relating to annexation of territory by cities.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 35005 of the Government Code is amended to read:

35005. Whenever a city which maintains a fire department consisting of paid firemen annexes territory which comprises all or part of a fire protection district, the city shall employ in its fire department such number of full-time paid firemen of the fire protection district available for such employment as may be needed to provide, together with the existing fire department of the city, fire protection service in the annexed territory equivalent to that furnished by the fire protection district. To be eligible for such employment, a fireman shall have had two or more years of service as a full-time fireman with the district territory of which has been annexed to the city and shall possess such physical qualifications as are comparable to those possessed by city firemen of like age. No such fireman shall be disqualified because he is older than the maximum age at which the commencement of employment is otherwise permitted, if he is not older than the age at which retirement from such employment is compulsory

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CHAPTER 1338

An act to add Sections 19063, 19064, 19211, and 19212 to the Business and Professions Code, relating to furniture and bedding.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 19063 is added to the Business and Professions Code, to read:

Furniture and bedding licenses. Denial of issuance to individual

19063. The bureau may refuse to issue any license provided for in this chapter to any individual:

(a) Who has had any license issued to him revoked, or whose license is under suspension, or who has failed to renew his license while it was under suspension

(b) If any license of a partnership of which he is or was a member, or of a corporation of which he is or was an officer or director, or of a firm or association of which he is or was an officer or of which he is or was acting in a managerial

capacity, has had any license issued to it revoked or suspended, and while acting as such member, officer, director, or in such managerial capacity he participated in any of the prohibited acts for which any such license was revoked or suspended.

SEC. 2. Section 19064 is added to said code, to read:

Denial of issuance to partnership, corporation, etc

19064. The bureau may refuse to issue any license provided for in this chapter to any partnership, corporation, firm, or association:

(a) Who has had any license issued to it revoked, or whose license is under suspension, or who has failed to renew its license while it was under suspension.

(b) If any member of any such partnership, or any officer or director of any such corporation, or any officer or person acting in a managerial capacity of any such firm or association has had any license issued to him revoked, or whose license is under suspension, or who has failed to renew his license while it was under suspension.

(c) If any member of the partnership, or any officer or director of the corporation, or any officer or person acting in a managerial capacity of the firm or association, was either a member of any partnership, or an officer or director of any corporation, or an officer or person acting in a managerial capacity of any firm or association, whose license has been revoked, or whose license is under suspension, or who failed to renew a license while it was under suspension, and while acting as such member, officer, director, or person acting in a managerial capacity participated in any of the prohibited acts for which any such license was revoked or suspended.

SEC. 3. Section 19211 is added to said code, to read:

Individual under discipline prohibited from serving as partner, director, etc

19211. Any person who has been denied a license, 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 any person who has been a member of any partnership, or an officer or director of any corporation, or an officer or person acting in a managerial capacity of any firm or association, whose license has been revoked, 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, or person acting in a managerial capacity, participated in any of the prohibited acts for which any such license was suspended, or revoked, shall be prohibited from serving as a member of any licensed partnership, or as an officer or director of any licensed corporation, or as an officer or person acting in a managerial capacity of any licensed firm or association, and the employment, election, or association of such person in any such capacity by any such licensee shall constitute grounds for disciplinary action against the licensee.

SEC. 4. Section 19212 is added to said code, to read:

Participation by individual in prohibited act of partnership, etc

19212. 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 dis-

ciplinary action against any licensee who is a member of any such partnership, or an officer or director of any such corporation, or an officer or person acting in a managerial capacity of any such firm or association, if such licensee participated in such prohibited act or omission.

CHAPTER 1339

An act to add Section 20354.5 to, and to repeal Section 24412 of, the Education Code, relating to the lease of state college property.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.] In effect September 7, 1955

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

SECTION 1. Section 20354.5 is added to the Education Code, to read:

20354.5. The president of a state college, with the approval of the Director of Education and Director of Finance, may let any property of the state college for any purpose which will not interfere with the requirements of the state college. The Director of Education and the Director of Finance may each exempt from the requirement of his approval under this section certain types or classes of transactions and authorize the entering into of such transactions without submitting them for his approval.

Any rental received under this section shall be deposited in the State Treasury and credited to the support appropriation or appropriations of the college current during the period of occupancy.

SEC. 2. Section 24412 of said code is repealed.

CHAPTER 1340

An act to amend Section 15 of Chapter 737 of the Statutes of 1951, relating to the Interim San Francisco Bay Ports Commission.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.] In effect September 7, 1955

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

SECTION 1. Section 15 of Chapter 737 of the Statutes of 1951 is amended to read:

Sec. 15. This act shall continue in effect until the ninety-first day after the adjournment of the Legislature in 1957, after which date it shall have no further force or effect.

CHAPTER 1341

An act to add Article 11 to Chapter 11, Division 2 of the Education Code, relating to school districts.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Article 11 is added to Chapter 11, Division 2 of the Education Code, to read:

Article 11. Withdrawal of Elementary Districts From Joint Union High School District and Formation of Separate Joint Union High School District.

Withdrawal of elementary school districts to form union, etc. high school district

3691. Two or more contiguous elementary school districts, lying in different counties, may withdraw from the joint union high school district of which they are a part and form a separate union or joint union high school district pursuant to the article.

Prerequisites

3692. No proceedings shall be commenced pursuant to this article unless:

(a) The joint union high school district from which withdrawal is sought maintains six or more high schools.

(b) There is a high school building situated in one of the elementary districts desiring to withdraw from the joint union high school district and such school building is separated by a distance of 20 or more miles by the nearest traveled road from any other high school building maintained by the joint union high school district.

Petition

3693. The proceedings to withdraw and form a separate district shall be commenced by the filing of a petition, with the county superintendent of schools having jurisdiction over the joint union high school district, requesting such withdrawal and formation of a separate joint union high school district to include the elementary districts named in the petition, and signed by at least 10 percent of the registered voters residing in each of the elementary districts.

Election

3694. The county superintendent of schools shall, within 20 days after receiving the petition, verify the signatures, and, if he finds them sufficient, call an election in the elementary districts petitioning for withdrawal and formation of a new district.

Conduct

3695. The election shall be called, held, and conducted in the same manner as the election of members of governing boards, except as otherwise provided in this article.

Ballots

3696. The ballots shall contain the words "New joint union high school district—Yes" and "New joint union high school district—No." The electors voting at the election shall make a cross with pencil, ink, or rubber stamp after the answer they desire to give.

3697. If a majority of votes cast at the election is in favor of the formation of the new joint union high school district, the county superintendent of schools shall file with the county clerk of each county in which any part of the elementary districts is situated, a certificate stating that the elementary districts have withdrawn from the joint union high school of which they were a part and have formed a new joint union high school district, describing the boundaries thereof. Upon such filing, the proceedings for withdrawal and formation of the new district are completed. Majority vote

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CHAPTER 1342

An act to repeal Sections 4033.2, 4033.3, and 4084 of, and to add Sections 4033.2 and 4084 to, the Business and Professions Code, relating to pharmacy.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.] In effect September 7, 1955

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

SECTION 1. Sections 4033.2 and 4033.3 of the Business and Professions Code are repealed Repeal

SEC. 2. Section 4033.2 is added to said code, to read:

4033.2. No person shall act as a wholesaler or manufacturer unless he has obtained a permit from the board. Each application shall be made on a form furnished by the board. Upon approval thereof by the board and the payment of the required fee, the board shall issue a permit to such applicant. Wholesaler and manufacturer permits

Each permit shall be issued to a specific person for a specific location. A separate permit shall be required for each place of business owned or operated by a manufacturer or wholesaler, and shall be renewed annually before the first day of January of each year.

SEC. 3. Section 4084 of said code is repealed. Repeal

SEC. 4. Section 4084 is added to said code, to read:

4084. No person shall act as a wholesaler or manufacturer unless he has obtained a permit from the board. Each application shall be made on a form furnished by the board. Upon approval thereof by the board and the payment of the required fee, the board shall issue a permit to such applicant. Wholesaler and manufacturer permits

Each permit shall be issued to a specific person for a specific location. A separate permit shall be required for each place of business owned or operated by a manufacturer or wholesaler, and shall be renewed annually before the first day of January of each year.

SEC. 5. Sections 3 and 4 of this act become operative only if Senate Bill No. 1387 is enacted by the Legislature at its 1955 Regular Session, and in such case at the same time as said Senate Bill No. 1387 takes effect, at which time Section 4033.2 Effect Stats. 1955, Ch. 550

of the Business and Professions Code, added to said code by this act, is repealed.

CHAPTER 1343

An act to amend Sections 4096 and 4089 of the Business and Professions Code, relating to pharmacy.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 4096 of the Business and Professions Code is amended to read:

Registered pharmacist Qualifications

4096. Each applicant shall be of good moral character and temperate habits; he shall be a citizen of the United States, or, if eligible for citizenship and not a citizen, he shall have filed and proven his intention of becoming one. A license issued to a person not a citizen of the United States but who has declared his intention of becoming a citizen, shall terminate and become void at the end of seven years from the date of filing such declaration of intention if such person has not then become a citizen. A license so terminated may be reissued by the board at any time thereafter upon evidence of citizenship and an explanation of the delay satisfactory to the board. If citizenship is later denied to any person registered under this chapter, then such denial of citizenship shall automatically cancel all such registration and privileges.

SEC. 2. Section 4089 of said code is amended to read:

Same

4089. Each applicant for registration as a registered pharmacist shall be of good moral character and temperate habits; he shall be a citizen of the United States, or, if eligible for citizenship and not a citizen, he shall have filed and proven his intention of becoming one. A license issued to a person not a citizen of the United States, but who has declared his intention of becoming a citizen, shall terminate and become void at the end of seven years from the date of filing such declaration of intention if such person has not then become a citizen. A license so terminated may be reissued by the board at any time thereafter upon evidence of citizenship and an explanation of the delay satisfactory to the board. If citizenship is later denied to any person registered under this chapter, then such denial of citizenship shall automatically cancel all such registration and privileges.

Effect Stats. 1955, Ch 550

SEC. 3. Section 2 of this act becomes operative only if Senate Bill No. 1387 is enacted by the Legislature at its 1955 Regular Session, and in such case at the same time as said Senate Bill No. 1387 takes effect, at which time Section 4096 of the Business and Professions Code, as amended by this act, is repealed.

CHAPTER 1344

An act to add Article 1.5 to Chapter 7 of Division 9 of the Elections Code, relating to canvass of returns of special or local elections.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Article 1.5 is added to Chapter 7 of Division 9 of the Elections Code, to read:

Article 1.5. Canvass of Returns of Local or Special Elections

7950. Whenever by any provision of law the board of supervisors of any county is required to canvass the returns of any local or special election the board may direct that the canvass shall be made by the county clerk.

CHAPTER 1345

An act to add Section 4260 to the Agricultural Code, relating to marketing of milk and dairy products.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 4260 is added to the Agricultural Code, to read:

4260. Whenever the director conducts a survey of the costs of production of fluid milk or fluid cream, or both, in any marketing area, which does not include the costs of production of all of the producers for the area, the director shall, upon request, supply the names and addresses of the producers whose costs were included in such survey to any interested party as a matter of public record.

CHAPTER 1346

An act to add Section 787.5 to the Fish and Game Code, relating to crabs.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 787.5 is added to the Fish and Game Code, to read:

787.5. Notwithstanding any other provision of this code or any rules or regulations made pursuant to this code: Crabs may be taken in Districts 6, 7, 8, and 9 between December 15th to June 30th. Crabs may be taken in all other districts between November 15th to May 31st. Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

On and after the opening date of the 1956-57 crab season, each crab trap shall have one rigid circular opening of not less than four inches inside diameter so constructed that the lowest portion of the opening is no lower than five inches from the top of the trap.

This section shall remain in effect until the ninety-first day after the final adjournment of the 1957 Regular Session of the Legislature.

CHAPTER 1347

An act to amend Section 421 of the Vehicle Code, relating to reinstatement of driving privileges.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 421 of the Vehicle Code is amended to read:

Security following accident License suspensions

421. Suspensions. (a) Whenever the driver has failed within 50 days after an accident to establish his exemption from security, as provided in Section 422, and has failed to deposit security, as required by Section 420 within 10 days after notice by the department specifying the amount of security, the department shall suspend the privilege of such driver to drive a motor vehicle in the State of California including his driving privilege as a nonresident and also any operator's or chauffeur's licenses evidencing the privilege of driving a motor vehicle. The suspension shall become effective not later than the seventy-sixth day after receipt of the accident report by the department.

Chauffeur privilege

The privilege of a person to drive as a chauffeur in the course of his employment shall not be suspended under this chapter even though his privilege to drive is otherwise suspended under this chapter.

Removal of suspension

(b) The privilege of driving a motor vehicle and all licenses evidencing such privilege suspended as hereinabove provided shall remain so suspended and shall not be renewed nor shall any such license be issued to such person until:

(1) Such person has complied with the requirements of Section 422, or

(2) Such person shall deposit or there shall be deposited on his behalf the security required under Section 420, or

(3) One year shall have elapsed following the date of such accident and no evidence has been filed with the department that during such period an action at law arising out of such accident has been instituted, and is pending. Proof of ability to respond in damages in the manner prescribed by Section 414 shall be an additional requirement for reinstatement of the driving privilege under this paragraph. The department shall waive such requirement for proof of ability to respond in damages and upon request shall cancel any bond or certificate of insurance, or shall direct the return to the person entitled thereto of any money or securities deposited as proof of financial responsibility, at any time as specified in Section 417. Proof of ability to respond in damages shall not be required under this paragraph, of drivers involved in accidents prior to the effective date of this amendment.

Action upon erroneous information

(c) Whenever the department has taken any action or has failed to take any action under this chapter by reason of having received erroneous information, or by reason of having received no information, then upon receiving correct information the department shall take appropriate action to carry out the purposes and effect of this chapter. The provisions of this subsection shall not, however, be deemed to require the department to increase the amount of any deposit after it has been ordered under this chapter.

Suspension by other state

(d) The department shall suspend the driving privilege of any resident of this State and all licenses evidencing such privileges upon receiving notice from another state that such person's driving privilege in that state has been suspended for failure to meet the security provisions of the law in that state (provided that the suspension in that state was taken on the same grounds that would have resulted in a suspension in this State).

CHAPTER 1348

An act to amend Sections 1269, 1269b, and 1295 of the Penal Code and Section 72301 of the Government Code, relating to the acceptance of bail, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect immediately

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

SECTION 1. Section 1269 of the Penal Code is amended to read:

Taking, filing, etc., of bail

1269. The taking of bail consists in the acceptance, by a competent court or magistrate, of the undertaking of sufficient bail for the appearance of the defendant, according to the terms of the undertaking, or that the bail will pay to the people of this State a specified sum. Upon filing, the clerk shall enter

in the register of actions the date and amounts of such bond and the name or names of the surety or sureties thereon. In the event of the loss or destruction of such bond, such entries so made shall be prima facie evidence of the due execution of such bond as required by law.

Whenever any bail bond has been deposited in any criminal action or proceeding in a justice, municipal, or superior court or in any proceeding in habeas corpus in a superior court, either before or after the effective date of this amendment to this section, and it is made to appear to the satisfaction of the court by affidavit or by testimony in open court that more than three years have elapsed since the exoneration or release of said bail, the court must direct that such bond be destroyed.

SEC. 2. Section 1269b of the Penal Code is amended to read:

Authority of municipal court clerk

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, however, that whenever a defendant has been arrested and booked for having committed a misdemeanor and is held in custody in a county jail or a city jail, the clerk of the municipal court in the judicial district wherein the defendant was arrested and booked, may, prior to the filing of a formal complaint, accept bail for the appearance before said court; provided, however, the amount thereof, in either event, shall be in accordance with a schedule of bail 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. 3. Section 1295 of the Penal Code is amended to read:

Deposit in lieu of bail

1295. The defendant, or any other person, at any time after an order admitting defendant to bail or after the arrest and booking of a defendant for having committed a misdemeanor, instead of giving bail may deposit with the clerk of the court in which the defendant is held to answer or notified to appear for arraignment, the sum mentioned in the order, or if no order, in the schedule of bail previously fixed by the judges of said court, and upon delivering to the officer in whose custody defendant is a certificate of the deposit, defendant must be discharged from custody.

Whenever the defendant has been arrested and booked for having committed a misdemeanor for which the amount of

bail has been fixed in a schedule of bail by the judges of the court having jurisdiction, or the amount of bail is endorsed on the warrant of arrest and does not exceed one thousand dollars ($1,000), the defendant, or any other person, may deposit with the officer in charge of the jail wherein the defendant is detained, cash in the amount of the bail so fixed. Upon such deposit being made the defendant shall be notified of the time and place to appear for arraignment and discharged from custody. The money so deposited shall be transmitted to the judge or clerk of the court wherein the defendant is notified to appear for arraignment or by which the warrant was issued not later than the next business day.

SEC. 4. Section 72301 of the Government Code is amended to read:

72301. The clerk of the court or one or more deputy clerks shall be in attendance at the department at all hours of the day and night, including Sundays and holidays, and may fix and accept bail for the appearance before the court of any defendant charged in the court with an offense of which the court has jurisdiction or whenever a defendant has been arrested and booked within the territorial limits of said judicial district for having committed a misdemeanor. The amount of bail shall be pursuant to a schedule of bail in such cases previously fixed and approved by the judges of the court at their annual meeting. If a warrant has been issued for the arrest of the defendant, the bail shall be in the amount fixed in the warrant. The bail shall be cash, negotiable United States Treasury bonds, or a surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code.

Fixing and acceptance of bail by clerks

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

Urgency

Section 1269b of the Penal Code at present provides that a clerk of a municipal court has authority, in the absence of a judge of the court, to accept bail for the appearance before said court of any defendant "charged in such court" with a misdemeanor. It has been the practice to admit most misdemeanants to bail within a few hours after arrest and before the filing of a complaint. However, the Los Angeles County Counsel has recently advised, and the interpretation appears correct, that in view of the language quoted above, Section 1269b does not grant authority to admit to bail until after a complaint has been filed.

As so interpreted Section 1269b would impose a staggering burden on our already overcrowded jails. In the City of Los Angeles alone, there were 148,662 misdemeanor arrests last year. This act would relieve this situation by making it clear that a misdemeanant can be admitted to bail, under the conditions prescribed by Section 1269b, at any time after arrest, and by making corresponding changes in related sections.

CHAPTER 1349

An act to repeal Part 5 of, and to add Part 5 to, Division 8 of the Health and Safety Code, relating to mausoleums and columbariums.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

Repeal

SECTION 1. Part 5 of Division 8 of the Health and Safety Code is repealed.

SEC. 2. Part 5 is added to Division 8 of said code, to read:

PART 5. MAUSOLEUMS AND COLUMBARIUMS

CHAPTER 1. GENERAL PROVISIONS

Short title

9501. This part shall be known and may be cited as the Mausoleum and Columbarium Building Law.

Purpose

9502. The purpose of this part is to insure the durability and permanence of mausoleums and columbariums by requiring that they be constructed of such material and workmanship as determined by modern mausoleum-columbarium engineering science, the minimum requirements for which are set forth in this part.

Construction

9503. Unless the provision or the context otherwise requires, the definitions and general provisions set forth in this chapter govern the construction of this part.

"Mausoleum"

9504. "Mausoleum" includes any building or structure, used or intended to be used, for the interment of uncremated human remains.

"Companion crypts," "nest of crypts"

9505. "Companion crypts" or "nest of crypts" means two or more crypts entered through a single crypt opening.

"Columbarium"

9506. "Columbarium" includes any building or structure, used or intended to be used, for the interment of cremated human remains.

"Uniform Building Code"

9507. "Uniform Building Code" means the 1952 edition of The Uniform Building Code adopted and published by the Pacific Coast Building Officials Conference.

"Uniform Plumbing Code"

9508. "The Uniform Plumbing Code" means the 1955 edition of The Plumbing Code adopted and published by the Western Plumbing Officials Association.

"National Electrical Code"

9509. "National Electrical Code" means the 1953 edition of the National Electrical Code adopted and published by the Board of Fire Underwriters of the Pacific.

"Incombustible material"

9510. "Incombustible Material" means and includes any material having an ignition temperature higher than 1,000 degrees Fahrenheit.

"Type I construction"

9511. "Type I Construction" includes the type of construction designated and specified as Type I Building Construction in the Uniform Building Code.

9512. The provisions of this part shall not apply to any structure or building used or intended to be used for the interment of human remains all portions of which are below the ground. Applicability

Chapter 2. Enforcement

9525. The building department of every city or city and county shall enforce the provisions of this part within such city or city and county. "Building department" or "department" means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction or alteration of buildings. Cities' Building department

9526. The department, officer or officers of a county who are charged with the enforcement of laws or ordinances regulating the erection, construction or alteration of buildings, shall enforce the provisions of this part within such county but outside the territorial limits of any city. Counties

9527. Any city or county may, by ordinance, designate any department or officer to enforce any portion of this part. Designation

9528. In any city where there is no department or officer charged with or designated for the enforcement of this part, the appropriate department, officer or officers of the county in which such city is located shall enforce this part. Enforcement by other officers

In any county where there is no department or officer charged with or designated for the enforcement of this part, this part shall be enforced by the county engineer, if there is a county engineer, and if not, then by the county surveyor.

Chapter 3. Permits and Plans

Article 1. General Provisions

9550. It is unlawful for any person to construct, or cause or permit to be constructed upon any property belonging to or controlled by him, any mausoleum or columbarium, or to make any alterations or changes or do any reconstruction work upon, in or to any building or structure for use as a mausoleum or columbarium without first having applied for and procured a separate building permit for each such mausoleum, columbarium, building or structure, or alteration, from the department or official charged with the enforcement of this part. Building permit

Article 2. Application, Permit and Certificate of Occupancy

9560. A person desiring a permit shall file a written application with the department or official charged with the enforcement of this part on forms furnished by it The application shall: Application

(a) Show in detail the proposed erection, construction, reconstruction, or alteration.

(b) State the name and address of the owner.

(c) State the name and address of the architect, structural engineer, or contractor, if any.

(d) State that the plans and specifications are true and contain a correct description of the proposed work.

(e) Give any other data or information required by the department.

9561. The application shall be accompanied by:

(a) Two full, true and complete sets of plans showing in detail the work proposed and whether it is for new work, reconstruction, or alteration.

(b) Two sets of specifications describing the proposed work.

(c) The plans of the lot or land on which the building is proposed to be erected, reconstructed, or altered.

Examination

9562. The department shall cause all plans, specifications, and statements to be examined, and, if they conform to the provisions of this part, shall issue a permit.

Change in plans

9563. The department may, from time to time, approve changes in any plans, specifications, or statements, previously approved if the changes are in conformity with the provisions of this part.

Violations

9564. The issuance or granting of a permit or approval is not a permit or approval of a violation of any provision of this part.

Keeping plans on premises

9565. A true copy of the plans, specifications, and other information submitted or filed upon which a permit is issued, with the approval of the department with which they are filed, stamped or written on the copy, and signed by the officer or officers authorizing the permit, shall be kept upon the premises of the building for which the permit is issued from the commencement of the work until final completion and acceptance, and shall be subject to inspection at all times by proper authorities.

Article 3. Cancellation of Permit

Cancellation

9575. In the case of any refusal, or neglect of the person to whom a permit or approval has been issued to comply with all of the provisions of this part, or in case any false statement or misrepresentation is made in any of the plans, specifications or statements submitted or filed for the permit or approval, the department shall revoke or cancel any permit or approval it has previously issued.

Article 4. Expiration of Permit

Expiration

9580. Every permit or approval under which no work is done within 90 days from the date of issuance expires by limitation and a new permit shall be obtained before the work may proceed.

Chapter 4. Inspection and Approval

Notification

9590. When the work is completed in accordance with plans, specifications, and statements previously made and upon which the permit or approval was issued, the owner or contractor shall notify the department.

Inspection

9591. The department shall inspect or cause the work to be inspected, and shall issue a certificate of occupancy if the work has been performed in accordance with the approved plans, specifications, and statements, and in conformity with the provisions of this part; and if not, it shall refuse to issue the certificate.

Temporary certificate of occupancy

9592. When it is found that the building or structure is structurally complete, upon request, a temporary certificate of occupancy shall be issued by the department for the use of a portion or portions of a mausoleum or columbarium for interment of human remains prior to the completion of the entire building or structure.

Chapter 5. Construction

Article 1. General Provisions

Conformity to minimum requirements

9600. No mausoleum or columbarium shall be constructed and no existing building or structure shall be altered for use as a mausoleum or columbarium unless the entire building or structure, including any portion to be used for any other purpose, is in conformity with the minimum requirements set forth in this chapter. Any addition to or alteration of any existing mausoleum or columbarium shall conform to the minimum requirements set forth in this chapter.

Type I construction

9601. All mausoleums or columbariums shall be of Type I Construction as specified in the Uniform Building Code, except as otherwise provided in this chapter.

Plumbing

9602. Plumbing in all mausoleums or columbariums shall conform to the provisions of the Uniform Plumbing Code.

Electrical work

9603. Electrical work in all mausoleums or columbariums shall conform to the provisions of the National Electrical Code.

Article 2. Structural and Material Requirements

Earthquake stresses

9625. Every mausoleum or columbarium shall be designed and constructed to resist stresses produced by lateral forces as provided in the earthquake regulations set forth in the appendix to the Uniform Building Code.

Incombustible materials

9626. Except as otherwise provided in this chapter, all materials used in the construction, ornamentation or embellishment of mausoleums or columbariums shall be incombustible. This section shall not apply to temporary openings or partitions, interior doors, fixtures, furniture or furnishings.

Concrete footings, etc

9627. All footings, bearing walls, beams, columns, floor slabs and other structural members shall be of poured-in-place

reinforced concrete and designed and constructed in accordance with the Uniform Building Code.

Floor load

9628. All floors shall be designed and constructed for a live load of not less than 100 pounds per square foot.

Total load

9629. The total load on any footing shall not exceed the safe soil bearing value as determined by a loading test. Footings shall be designed for total loads, but relative sizes of footings shall be governed by the dead load only, with a proper reduction of the allowable soil bearing value.

Floor slabs

9630. Floor slabs placed on earth shall be constructed in the following manner:

First: Place a subslab of concrete two inches thick.

Second: Place two layers of fifteen pound waterproofing felt sealed tightly to subslab and to each other with waterproofing asphalt; felt to be turned up one inch on walls and be asbestile type sealed around perimeter of walls.

Third: Completely coat felt with waterproofing asphalt and dry dust with cement.

Fourth: Install poured-in-place reinforced concrete floor slab.

Walls

9631. Where any wall is constructed against a bank of earth, rock or other porous material, or where crypts are adjacent to an outside building wall below grade, the wall shall be thoroughly primed and waterproofed with membrane waterproofing in the following manner:

First: The wall shall be given a thorough waterproof priming. Then waterproofing felt shall be applied vertically mopping both wall and back of felt with hot waterproofing asphalt. While asphalt is in adhesive condition, felt shall be applied to wall, nailing along top of sheet with nails and metal caps.

Second: Waterproofing fabric shall be then applied vertically, mopping waterproofing felt and back-mopping fabric. Then apply fabric and press firmly to undersheet.

Third: Apply waterproofing felt over fabric vertically mopping as called for in second application, and thoroughly nail with nails and caps along top edge of waterproofing.

Fourth: Then mastic around nails and thoroughly mop entire surface with hot waterproofing asphalt.

Fifth: Apply an asbestile type flashing at top edge securely sealing edge to wall.

Sixth: Before making fill against waterproofing, protect waterproofing by covering same with pressed board or other suitable material.

Crypt walls and floor slabs

9632. Except as provided in Section 9633, all crypt walls and crypt floor slabs shall be constructed of poured-in-place, reinforced concrete; crypt walls shall be not less than four inches in thickness and crypt floor slabs shall be not less than three inches in thickness.

Partitions separating crypts

9633. Horizontal and vertical partitions separating crypts comprising companion crypts or a nest of crypts entered through a single crypt opening may be constructed of pre-cast reinforced concrete; provided, the horizontal partitions are

not less than one and one-half inches in thickness and the vertical nonbearing partitions are not less than one inch in thickness, and vertical partitions bearing any load are not less than three inches in thickness, and provided the crypt walls enclosing the nest of crypts are constructed as required in Section 9632.

Crypt load

9634. Each crypt, including each crypt in a companion crypt or in a nest of crypts referred to in Section 9633, shall be designed for a total live load of 600 pounds.

Crypt seal slabs

9635. All crypt seal slabs shall be of pre-cast concrete, not less than one and one-half inches thick which shall be securely set in cement mortar for permanent sealing after interment is made in the crypt. Seal slabs shall be set independent of crypt fronts.

Marble floors

9636. All marble floors shall be constructed on a sand bed with nonstaining cement, and hydrament, or an approved equal additive, shall be used to prevent effervescence.

Veneers

9637. All interior or exterior veneers shall be of stone, cast stone, granite or marble. Cast stone shall meet all requirements for cast stone set forth in the Uniform Building Code.

Marble trim, etc.

9638. Marble for exterior trim, exterior crypt and niche fronts, and exterior veneer, shall be travertine, serpentine marble or Grade A exterior type marble, only.

Joints

9639. Joints shall be of uniform thickness and when mortar is used it shall be raked out as work progresses and on completion of installation joints shall be brushed, thoroughly cleaned, wet and carefully filled and pointed.

Grout

9640. Grout used for joints and pointing shall conform with the requirements of the Uniform Building Code.

Masonry veneer

9641. Masonry veneer shall be attached to the supporting wall in accordance with the requirements of the Uniform Building Code.

Vertical work

9642. All base, architraves, wainscoting and all other vertical work other than crypt fronts shall be securely anchored in place with rods, clips, or other suitable anchoring devices of materials as specified in Section 9643. All clips shall be countersunk into the joint surface and set in non-staining cement.

Fastenings

9643. All interior and exterior fastenings for hangers, clips, doors, and other objects shall be of copper base alloy, aluminum, copper or stainless steel of adequate gauges.

Exterior metals

9644. All exterior metals used for doors, window frames, skylights, gutters, downspouts, flashings or embellishment shall be of copper, copper base alloy, aluminum, lead, or stainless steel of gauges structurally determined.

National emergency Materials

9645. In the event that during a national emergency, as proclaimed by the Governor for purposes of this section, none of the metals listed in Sections 9643 and 9644 are obtainable, the department may permit the use of galvanized iron or other durable metals.

Roofs

9646. Roofs shall be constructed of poured-in-place reinforced concrete, and any roof covering shall be "Fire Re-

tardent" in conformity with the requirements of Type I construction.

Skylight frames

9647. All skylight frames shall have all joints riveted and soldered and all glass in skylights shall be wire glass not less than one-fourth inch in thickness.

CHAPTER 6. PENALTIES

Violation

9675. Every person who violates any provision of this part is guilty of a misdemeanor, punishable by fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or by imprisonment in a county jail not less than 10 days nor more than six months, or by both; and in addition is liable for all costs, expenses, and disbursements paid or incurred by the department or person prosecuting the case.

Unlawful erection

9676. Every owner or operator of a mausoleum or columbarium erected in violation of this part is guilty of maintaining a public nuisance and upon conviction is punishable by a fine of not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000) or by imprisonment in a county jail for not less than one month nor more than six months, or by both; and in addition is liable for all costs, expenses and disbursements paid or incurred by the department or person prosecuting the case. Each calendar month during which such public nuisance exists constitutes a separate offense.

The costs, expenses, and disbursements shall be fixed by the court having jurisdiction of the case.

Exception

9677. The penalties of this chapter shall not apply as to any building which, at the time of issuance of a permit for the construction thereof was in compliance with the laws then existing, if its use is not in violation of the laws for the protection of public health.

CHAPTER 1350

An act to add Section 1241 to the Penal Code, relating to attorneys' fees for counsel assigned to represent a party to an appeal or proceeding in a criminal matter.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 1241 is added to the Penal Code, to read:

1241. In any case in which counsel has been appointed by the Supreme Court or by a district court of appeal to represent a party to any appeal or proceeding in a criminal matter, the court shall fix a reasonable fee for such counsel which shall be paid from the General Fund. Claim for the payment of such

fee shall be presented by counsel to the clerk of the court allowing such fee in such form as the clerk shall prescribe. If the claim is in order, the clerk shall transmit it to the State Controller who shall draw his warrant in payment thereof and transmit it to the clerk for delivery to the payee.

CHAPTER 1351

An act to amend Section 2050 of the Harbors and Navigation Code, relating to the Board of State Harbor Commissioners for San Francisco Harbor.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 2050 of the Harbors and Navigation Code is amended to read:

2050. When the board determines that a new wharf shall be erected, or any other necessary improvement constructed, or repairs made, or dredging machines, pile drivers, scows, steam tugs, or any necessary machinery or material be obtained, the cost of which exceeds five thousand dollars ($5,000), it shall advertise for sealed proposals in one or more of the newspapers in San Francisco. Such advertisement shall be published in at least three successive issues of each such newspaper, commencing not less than 10 calendar days before the day specified in the advertisement for the opening of bids.

CHAPTER 1352

An act to amend Section 3356, and to add Article 2 to Chapter 1, Part 6, Division 1, of the Revenue and Taxation Code, relating to real property taxation and the publication of delinquent lists.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 3356 of the Revenue and Taxation Code is amended to read:

3356. Except as provided in Article 2, the publication shall be made once a week for three successive weeks in a newspaper of general circulation published in the county. If no newspaper of general circulation is published in the county, the publication shall be made by posting in three public places in the county.

Manner of publication

The cost of publication shall be at no more than the rate fixed by the board of supervisors for other county advertising.

SEC. 2. Article 2 is added to Chapter 1, Part 6, Division 1 of said code, to read:

Article 2. Publication of Delinquent List Where Alternative Method Designated

Local publication of delinquent list

3391. In each county where the tax collector or, if the county is a chartered county, the board of supervisors determines that the public interest, convenience and necessity require the local publication of the delinquent list in order to afford adequate notice, the published delinquent list and all items required to be published with the published delinquent list shall be published as provided in this article.

After such determination, the tax collector or, if the county is a chartered county, the board of supervisors shall divide and distribute the delinquent list and cause the same to be published either within (a) the municipal corporations, (b) the elementary, high school or junior college districts, (c) the supervisorial districts, (d) judicial districts, (e) tax districts or tax code areas, or (f) by any annexation or annexations of same, or any combination of same, or any combination of such districts, annexations and code areas, within the county as they shall determine most likely to afford adequate notice to owners whose property is upon the delinquent lists.

Except as provided in this article, the publication shall be in the same manner as provided in Article 1.

The publication provided for in this article shall be made once a week for two successive weeks in a newspaper or newspapers of general circulation. Such publication shall be made in a newspaper published not less frequently than once a week.

Contracts for publication

3392. Annually, the board of supervisors shall let the contracts for publication of the published delinquent list, and shall determine the rate to be paid for the publication of such delinquent list or any portion thereof.

The publication rate shall be based on a common denominator of measurement for all newspapers and may be graduated according to circulation.

3393. The contracts for the publications shall include the publication of the proper portion of the published delinquent list and all other items relating to that portion of the published delinquent list and required by law to be published with the published delinquent list.

Mailing copy to assessee

3394. The board of supervisors may provide by order for mailing to each assessee on the published delinquent list a copy of the items delinquent assessed to him and, if so ordered, the copy shall be mailed to the assessee at his address as shown on the roll. This section gives no one any right to receive the copy of items delinquent, and neither the county nor any of-

ficer or employee is liable for failure of the assessee to receive the copy or for any mistake in connection with the mailing.

Alternatives

3395. In ordering mailing of a copy of items delinquent, the board of supervisors may do either of the following:

(a) Authorize the tax collector to perform the mailing.

(b) Include, or authorize the inclusion of, the mailing as an item in the contracts for publication of the published delinquent list.

CHAPTER 1353

An act to amend Sections 20100 and 20101 of the Government Code, relating to the State Employees' Retirement System in respect to composition, appointment and election of members of the board of administration.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 20100 of the Government Code is amended to read.

Board of administration

20100. The board of administration of this system is continued in existence.

It consists of:

(a) One member of the State Personnel Board, selected by and serving at the pleasure of the State Personnel Board.

(b) The Director of Finance.

(c) The comptroller of the university or such other official as the university may designate.

(d) An official of a life insurer and an officer of a bank, appointed by the Governor.

(e) Three members elected under the supervision of the board as follows:

(1) A member elected by the members of the system from the membership thereof;

(2) A member elected by the state members of the system from the state membership thereof; and

(3) A member elected by the local members of the system from the local membership thereof.

The member elected for the term ending January 15, 1958, is deemed to have been elected as provided in paragraph (1) of this subsection, and his successor shall be elected as provided therein.

Of the two members elected for terms ending January 15, 1959, the one having the lesser seniority on the board is deemed to have been elected as provided in paragraph (2) of this subsection, and his successor shall be elected as provided therein; and the one having the greater seniority is deemed to have been elected as provided in paragraph (3) of this subsection, and his successor shall be elected as provided therein.

Term of office

SEC. 2. Section 20101 of said code is amended to read:

20101. The term of office of the five members specified in subdivisions (d) and (e) of Section 20100 is four years, expiring on January 15th, in the order heretofore fixed by law. The Governor shall fill a vacancy of the members in subdivision (d) of Section 20100 by the appointment of a person having the requisite qualifications for the vacant membership. Such appointment shall be for the unexpired term. In the event a vacancy occurs during the term of an elected member, it shall be filled at a special election which the board shall cause to be held; provided, the term has 15 months or more to run from the time the vacancy occurs, otherwise, the office shall remain vacant until filled at the next regular election.

CHAPTER 1354

An act to add Section 20804.6 to the Government Code, relating to the State Employees' Retirement System in respect to service with the State Emergency Relief Administration or the State Relief Administration.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 20804.6 is added to the Government Code, to read:

20804.6. Service performed in the employ of the State Emergency Relief Administration or the State Relief Administration subsequent to March, 1933, regardless of the source of the compensation paid for such service, constitutes state service, and any member shall receive current service credit for any such service 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, subject to minimum payments fixed by the board, normal contributions for the periods of such service, computed by applying the rate of contribution applicable to him at the time he first became a member following service in the employ of the State Emergency Relief Administration or the State Relief Administration to the compensation earnable by him at that time, together with interest on such contributions or on the unpaid balance if such contributions are paid by installments, from the effective date of this action until paid.

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 in the manner prescribed for approval of contracts, except that an election among the employees is not required.

CHAPTER 1355

An act to amend Section 20804.5 of the Government Code, relating to the State Employees' Retirement System in respect to credit for state service prior to membership therein.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 20804.5 of the Government Code is amended to read:

20804.5. Any member shall receive current service credit for the time which was spent by him in the employment of the State or contracting agency prior to becoming a member of this system and after persons employed in his status were eligible for membership in 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 a period not to exceed 60 months subject to minimum payments fixed by the board, normal contributions for such time prior to becoming a member 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 such contributions or on the unpaid balance if such contributions are paid by installments, from October 1, 1953, or from the date on which he first became a member of this system, whichever is later, until paid.

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.

SEC. 2. This act shall become operative on the first of the month next succeeding the ninetieth day after the final adjournment of the 1955 Regular Session of the Legislature.

CHAPTER 1356

An act to add Section 20100.1 to the Government Code, relating to the Board of Administration of the State Employees' Retirement System.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 20100.1 is added to the Government Code, to read:

20100.1. The members of the board of administration appointed by the Governor pursuant to subdivision (e) of Section 20100 shall receive twenty-five dollars ($25) for every day of actual attendance at meetings of the board, up to twelve (12) days per calendar year, together with their necessary traveling expenses incurred in connection with the performance of their official duties.

SEC. 2. Section 20100.1 is added to the Government Code, to read:

20100.1. The members of the board of administration appointed by the Governor pursuant to subdivision (d) of Section 20100 shall receive twenty-five dollars ($25) for every day of actual attendance at meetings of the board, together with their necessary traveling expenses incurred in connection with the performance of their official duties.

Effect Stats 1955, Ch 1353

SEC. 3. Section 2 of this act becomes operative only if Assembly Bill No. 576 is enacted by the Legislature at its 1955 Regular Session; and in such case, Section 2 of this act becomes operative at the same time as said Assembly Bill No. 576 takes effect, at which time Section 1 of this act is repealed.

CHAPTER 1357

An act to amend Section 20921 of, and to add Section 20923 to, the Government Code, relating to the State Employees' Retirement System in respect to state service credit for federal service.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 20921 of the Government Code is amended to read:

20921. Upon compliance with the provisions of Section 20922, a member shall be credited with state service in the amount of time during which he was in federal service, and for the purposes of this part federal service so credited shall be considered state service, if the member comes within all of the following descriptions:

(a) Prior to performing the federal service, he was employed by the State.

(b) He was laid off from state service or would have been so laid off if he had not been absent in military service, because of the transfer of functions by the State to an agency of the United States Government.

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

(d) After his separation from federal service, he was employed by a state agency.

SEC. 2. Section 20923 is added to the Government Code, to read:

20923. Where a member who has retired becomes entitled to credit for federal service pursuant to the provisions of this article, the current service pension or disability pension payable for time commencing on the effective date of this section to such member is hereby increased to the amount it would be if the member had been entitled to credit for such federal service on the date of his retirement.

CHAPTER 1358

An act to amend Section 17500 of the Business and Professions Code, relating to false advertising.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 17500 of the Business and Professions Code is amended to read:

17500. It is unlawful for any person, firm, corporation or association, or any employee thereof with intent directly or indirectly to dispose of real or personal property or to perform services, professional or otherwise, or anything of any nature whatsoever or to induce the public to enter into any obligation relating thereto, to make or disseminate or cause to be made or disseminated before the public in this State, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, any statement, concerning such real or personal property or services, professional or otherwise, or concerning any circumstance or matter of fact connected with the proposed performance or disposition thereof, 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 for any such person, firm, or corporation to so make or disseminate or cause to be so made or disseminated any such statement as part of a plan or scheme with the intent not to sell such personal property or services, professional or otherwise, so advertised at the price stated therein, or as so advertised.

CHAPTER 1359

An act to add Section 1209.5 to the Code of Civil Procedure, relating to the effect of noncompliance with a court order for the support of a child.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 1209.5 is added to the Code of Civil Procedure, to read:

1209.5. When a court of competent jurisdiction makes an order compelling a parent to furnish support or necessary food, clothing, shelter, medical attendance, or other remedial care for his child, proof that such order was made, filed, and served on the parent and proof of noncompliance therewith shall be prima facie evidence of a contempt of court.

CHAPTER 1360

An act to add Section 71040.1 to the Government Code, relating to judicial districts.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 71040.1 is added to the Government Code, to read:

71040.1. If territory is annexed to a city or city and county pursuant to law, the boundaries of the judicial district which includes such city or city and county shall be, upon the effective date of the annexation, automatically changed to include the territory so annexed, and the boundaries of any judicial district which includes such annexed territory prior to the effective date of the annexation shall be, on such date, automatically changed to exclude such annexed territory.

CHAPTER 1361

An act to add Article 5 to Chapter 4 of Part 8 of Division 12 of the Water Code, relating to county water districts.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Article 5 is added to Chapter 4, Part 8, Division 12 of the Water Code, to read:

Article 5. Dissolution by Supervisors

Dissolution Alternative method

32950. The method of dissolution set forth in this article is alternative to other provisions for dissolution set forth in this chapter.

Resolution

32951. The board of directors of the district may, by resolution unanimously passed, petition the board of supervisors of the county in which such district is located, or, if located in more than one county, the board of supervisors of the county in which is located the greatest valuation of land and improvements as shown by the last equalized assessment rolls, for dissolution of said district whenever the following factual situation exists:

a. The district has no indebtedness, bonded, contractual, or otherwise;

b. The district is not serving consumers;

c. The district has no property, works, or assets except unexpended cash reserves;

d. The board of directors determines that no useful purpose would be served by continuing the existence of the district; and

e. The district has not submitted nor will submit a budget for the tax year in which such dissolution is requested.

The resolution shall state all of the above facts.

Time and place of hearing

32952. Upon receipt of such resolution, the board of supervisors shall set the time and place for a public hearing on such resolution, which shall not be more than 45 days after receipt thereof.

Notice

32953. Notice of the time and place of such hearing shall be made by publication in a newspaper of general circulation published in the district once each week for two successive weeks, the last notice being published at least five days prior to the date of the hearing.

Hearing

32954. At the hearing or any adjournment thereof, the board shall hear all persons appearing either for or against the dissolution of said district. The board may adjourn the hearing from time to time, but not to exceed 60 days from the date the hearing first began.

Determination by board of supervisors

32955. If at the conclusion of said hearing the board of supervisors of the county determines that all of the allegations of the petition and resolution of the board of directors of the district are true and that there is no useful purpose in continuing the existence of the district, the board of supervisors of the county shall pass a resolution declaring the district to be dissolved; provided, however, that the district shall not be dissolved pursuant to this article if, at the conclusion of said hearing, the written protest of 10 percent of the registered voters of the district has been received.

Filing

32956. The board of supervisors shall cause a certified copy of the resolution to be filed with the Secretary of State and with the county assessor of each of the counties in which any

portion of the district is situated. Thereupon the district is dissolved for all purposes.

Disposition of cash reserves

32957. Upon dissolution of the district pursuant to this article, any unexpended cash reserves standing to the credit of the district shall be deposited in the general fund of the county hearing the petition.

Termination date

32958. This article shall remain in effect until the ninety-first day after the final adjournment of the 1957 Regular Session of the Legislature. While this article is in effect its provisions shall supersede any existing provisions of law which are in conflict with the provisions of this article; but such provisions are not repealed by this article, and after this article is no longer effective shall have the same force as though this article had not been enacted.

CHAPTER 1362

An act to amend Section 20 of the Construction and Employment Act (Chapter 20, Statutes of 1946, First Extraordinary Session), relating to the allocation of state funds to local agencies for the construction of public works.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 20 of the act cited in the title hereof is amended to read:

Sec. 20. The board shall, by rule applicable to any case or class of cases, prescribe the time, manner and amount of progress payments of the State's share of the cost of construction of a project for which a local agency has received an allotment under this act, which the local agency shall, on its request, be paid. The local agency shall, in any event, on its request, be entitled to be reimbursed up to 25 percent of the State's share after each 25 percent of the total estimated cost has been expended by the local agency. The board, by rule, shall provide for advancements of the State's share of the cost of completing any project after the project is 75 percent complete and the local agency has expended its total share of such cost. Notwithstanding anything in this act to the contrary, a local agency at any time within three months of the final date under which payments may be made by the State to it under this act, shall be entitled to payment of one-half the amount it has expended upon said project not exceeding the balance due under its allotment irrespective of the state of completion of the project.

CHAPTER 1363

An act to add Chapter 4 to Part 1 of Division 2 of the Welfare and Institutions Code, relating to an agreement entitled, "Interstate Compact on Juveniles."

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Chapter 4 is added to Part 1 of Division 2 of the Welfare and Institutions Code, to read:

CHAPTER 4. INTERSTATE COMPACT ON JUVENILES

Interstate Compact on Juveniles Authority to execute

1300. In addition to any other authority conferred upon him, the Governor is authorized and may execute for, on behalf of, and in the name of the State of California, a compact or agreement entitled, "Interstate Compact on Juveniles," which compact or agreement, in words and figures, is substantially as follows:

INTERSTATE COMPACT ON JUVENILES

The contracting states solemnly agree:

Article I—Findings and Purposes

Findings and purposes

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of non-delinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the noncriminal, reformative and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

Article II—Existing Rights and Remedies

Additional remedies and procedures

That all remedies and procedures provided by this compact shall be in addition to and not in substitution of other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

Article III—Definitions

Definitions

That, for the purposes of this compact, "delinquent juvenile" means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states party hereto; "court" means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

Article IV—Return of Runaways

Return of runaways

(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the

Hearing

judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Requisition for return

Detention order

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding 90 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juve-

nile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

Transportation costs

(b) That the state to which a juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

"Juvenile"

(c) That "juvenile" as used in this article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

Article V—Return of Escapees and Absconders

Return of escapees and absconders Requisition

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue

Verification

Detention order

an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Hearing

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days, as will enable his detention under a detention order issued on a requisition pursuant to this article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

Transportation costs

(b) That the state to which a delinquent juvenile is returned under this article shall be responsible for payment of the transportation costs of such return.

Article VI—Voluntary Return Procedure

Consent to return

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV(a) or of Article V(a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

Article VII—Cooperative Supervision of Probationers and Parolees

Cooperative supervision of probationers and parolees

(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems nec-

essary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

Duties of receiving state

(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

Authority to enter receiving state

(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

Transportation costs

(d) That the sending state shall be responsible under this article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

Article VIII—Responsibility for Costs

Responsibility for costs

(a) That the provisions of Articles IV(b), V(b) and VII(d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Article IV(b), V(b) or VII(d) of this compact.

Article IX—Detention Practices

Detention in prisons, etc

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

Article X—Supplementary Agreements

Supplementary agreements

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

Article XI—Acceptance of Federal and Other Aid

Federal, etc., aid

That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive

and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

Article XII—Compact Administrators

Administrators

That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

Article XIII—Execution of Compact

Execution

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

Article XIV—Renunciation

Renunciation

That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present article.

Article XV—Severability

Severability

That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Rules and regulations

1301. Pursuant to the compact, the Governor may designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms of the compact. The compact administrator shall serve at the pleasure of the Governor.

Administration

1302. The compact administrator shall cooperate with all departments, agencies and officers of this State and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this State thereunder.

Supplementary agreements

1303. The compact administrator may enter into supplementary agreements with appropriate officials of other states pursuant to the compact. In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this State or require or contemplate the provision of any service by this State, it shall have no force or effect until approved by the head of the department or agency under whose jurisdiction the institution or facility is operated or whose department or agency will be charged with the rendering of such service.

Payments

1304. The compact administrator, subject to the approval of the Department of Finance, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this State by the compact or by any supplementary agreement entered into thereunder.

Counsel, guardian fees

1305. Any judge who appoints counsel or a guardian ad litem pursuant to the provisions of the compact may fix a fee in a reasonable amount, to be paid out of funds available for disposition by the court.

Enforcement

1306. The courts, departments, agencies, and officers of this State and its subdivisions shall enforce this compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions.

"Delinquent juvenile"

1307. The term "delinquent juvenile" as used in the Interstate Compact on Juveniles shall include those persons subject to the jurisdiction of the juvenile court within the meaning of Section 700 of this code.

Construction

1308. All provisions of law in conflict with this chapter shall be inoperative so long as the compact or agreement executed under the provisions of this chapter is operative.

Funds

SEC. 2. Expenses incurred pursuant to this act during the 1955-56 Fiscal Year shall be payable from funds appropriated by Item 64 of the Budget Act of 1955.

CHAPTER 1364

An act to add Section 699 to the Insurance Code, relating to insurers.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 699 is added to Article 3, Chapter 1, Part 2, Division 1 of the Insurance Code, to read:

699. Except as specifically permitted by this code, a certificate of authority shall not be issued to an unincorporated insurer. This section shall not be applicable to an unincorporated insurer now holding a certificate of authority to transact any class of insurance in California, nor shall it affect the right of any such unincorporated insurer to hereafter apply for or be issued a renewal certificate of authority or an amended certificate of authority to transact additional classes of insurance; provided, that any such unincorporated insurer shall continue to comply insofar as applicable with the same requirements as are now or hereafter applicable to corporate insurers; nor shall this section prohibit the issuance of a certificate of exemption to the trustees of a fund established by one employer, or by two or more employers in the same industry, or by one or more labor unions, or by one or more employers and one or more labor unions, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or the unions.

CHAPTER 1365

An act to repeal Sections 240, 241, and 245, and to add Sections 73.4 and 240 and to amend Sections 74, 136 and 246 of the Vehicle Code, relating to licensing and regulation of automobile wreckers.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.] In effect September 7, 1955

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

SECTION 1. Section 73.4 is added to the Vehicle Code, to read:

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

SEC. 2. Section 74 of the Vehicle Code is amended to read:

74. "Established Place of Business." "Established place of business" is a place actually occupied either continuously or at regular periods by a dealer, manufacturer or automobile "Established place of business"

wrecker where his books and records are kept and a large share of his business transacted.

SEC. 3. Section 136 of the Vehicle Code is amended to read:

Peace officer, etc., powers

136. Authority of Director, Deputy Director, Registrar, Deputy Registrar, and Investigators of the Department. The director, deputy director, registrar, deputy registrar, and investigators of the department shall have the powers of peace officers solely for the purpose of enforcing those provisions of law now or hereafter committed to the administration of the Divisions of Registration and Drivers Licenses, Division 2, Part 5, of the Revenue and Taxation Code, and to the serving of warrants of arrest emanating from citations for traffic violations issued by the Department of California Highway Patrol under the provisions of this code. The director, deputy director, registrar, deputy registrar, and investigators of the department shall be authorized to inspect any vehicle of a type required to be registered hereunder in any public garage, repair shop, parking lot, used car lot, automobile wreckers lot, or other similar establishment for the purpose of investigating the title and registration of vehicles and inspection of vehicles wrecked or dismantled.

Repeal

SEC. 4. Section 240 of the Vehicle Code is repealed.

Repeal

SEC. 5. Section 241 of the Vehicle Code is repealed.

SEC. 6. Section 240 is added to the Vehicle Code, to read:

Automobile wrecker's license

240. Application for and Issuance of License or Certificate and Special Plates to Automobile Wreckers. (a) Before an automobile wrecker may dismantle or wreck vehicles subject to registration under this code, he shall make application to the department upon an appropriate form for a license or certificate containing a general distinguishing number and for one or more pair of special plates, and shall have received such license and certificate containing a distinguishing number. The applicant shall submit proof of his status as a bona fide automobile wrecker as may reasonably be required by the department.

Issuance

(b) The department shall approve or reject any such application and may issue to the applicant a certificate or license containing the applicant's name and address, the name under which the business is to be conducted, and its address, and the general distinguishing number assigned to the applicant.

Special plates

(c) The department shall issue special plates as applied for, which shall have displayed thereon the general distinguishing number assigned to the applicant.

(d) Every special plate issued hereunder shall expire at midnight on the thirty-first day of December of each year and a new plate or plates for the ensuing year may be obtained by the person to whom any such expired plate or plates was issued, upon application to the department and payment of the fee provided in this chapter.

Renewal

(e) Every application for the renewal of special plate or plates which expires on the date above mentioned shall be made

by the person to whom issued between November 1st and midnight of November 30th preceding such expiration date and shall be made by presenting the application form provided by the department and by payment of the full annual renewal fee for such plate or plates.

Repeal

SEC. 7. Section 245 of the Vehicle Code is repealed.

SEC. 8. Section 246 of the Vehicle Code is amended to read:

Dismantling vehicle. Certificate forwarding evidence of ownership, etc

246. Person Dismantling or Wrecking Vehicle to Return Evidences of Registration. Any automobile wrecker or other persons mentioned in Section 73.4 desiring to dismantle or wreck any vehicle subject to registration hereunder shall immediately forward to the department the certificate of ownership, registration card, and the license plate or plates last issued for such vehicle. The department may issue without charge to such person a certificate of dismantling, containing a brief description of the vehicle, including insofar as the hereinafter specified data may exist with respect to the vehicle, the make, type, serial number and motor number, if available; otherwise any other number of the vehicle. The certificate, when issued, shall be considered as and shall constitute a transfer of the title in the vehicle in accordance with Section 243 hereof, and no fee for any such transfer shall be paid. Any automobile wrecker or other persons mentioned in Section 73.4 desiring to dismantle or wreck any vehicle shall maintain a record of all vehicles so dismantled or wrecked, which shall contain the name and address of the person from whom such vehicle was purchased or acquired and the date thereof, the registration number last assigned to the vehicle and a brief description of the vehicle, including insofar as the hereinafter specified data may exist with respect to a given vehicle, the make, type, serial number and motor number, if available; otherwise any other number of the vehicle. Said record shall be open to inspection during business hours by any peace officer or investigator of the Department of Motor Vehicles. It shall be prima facie evidence that a vehicle in a dismantled condition has been so dismantled by the person having possession thereof.

CHAPTER 1366

An act to add Section 7.8 to the Government Code, relating to the right of deputy or assistant directors to represent directors of state departments upon the State Allocation Board, and declaring the urgency thereof.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect immediately

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

SECTION 1. Section 7.8 is added to the Government Code to read:

7.8. Notwithstanding anything in this code to the contrary, the Directors of Finance, Public Works, and Education may appoint any deputy or assistant director in their respective departments to act in their place and stead on the State Allocation Board, irrespective of whether said deputy or assistant director holds a position specified in Section 4(a)(5) of Article XXIV of the Constitution, and irrespective of whether there shall be more than one such person representing a director at any meeting of such board. Such person, while sitting on said board, shall have all the powers the director he represents would have had, including the right to be counted in a quorum, the right to participate in the proceedings of the board and to vote on any and all matters. The director so designating such a deputy or assistant director shall be responsible for the acts of the person acting under such designation in the same manner and to the same extent that the director is responsible for the acts of the deputy or assistant director performing his official duties as deputy or assistant director of the department.

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

Urgently needed school construction and other public works have been delayed by the inability to secure a quorum of the State Allocation Board for the frequent meetings required to handle the large volume of applications for such public works and especially the approval of school bids. To permit deputy directors holding positions other than those specified in Article XXIV of the Constitution to represent the director upon the board will permit the currently large volume of essential public works to proceed without delay. It is therefore necessary that this act take effect immediately.

CHAPTER 1367

An act to amend Section 14797 of the Revenue and Taxation Code, relating to commissions to be retained by the county treasurers from inheritance tax payments.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 14797 of the Revenue and Taxation Code is amended to read:

14797. The maximum commissions that may be retained by the county treasurer out of the total inheritance taxes paid to and accounted for by him in any one year are as follows:

(a) By the county treasurer of a county of the first class, sixty-five thousand dollars ($65,000).

(b) By the county treasurer of a county of the second class, forty thousand dollars ($40,000).

(c) By the county treasurer of a county of the third class, twenty-five thousand dollars ($25,000).

(d) By the county treasurer of a county of the fourth class, twenty thousand dollars ($20,000).

(e) By the county treasurer of a county of any other class, ten thousand dollars ($10,000).

CHAPTER 1368

An act to amend Sections 20751, 20754, 20771, 20772, 20792, 20793, 20794, 20795, 20796, and 20797 of the Education Code, relating to California Schools for the Deaf.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.] In effect September 7, 1955

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

SECTION 1. Section 20751 of the Education Code is amended to read:

20751. There is in Berkeley, Alameda County, a state school for the deaf, known and designated as the California School for the Deaf, Berkeley. There is in Riverside, Riverside County, a state school for the deaf, known and designated as the California School for the Deaf, Riverside. The term "California School for the Deaf" shall refer to both schools unless the context otherwise requires. California School for the Deaf

SEC. 2. Section 20754 of said code is amended to read:

20754. The State Department of Education in relation to the California School for the Deaf shall: Duties of Department of Education

(a) Prescribe rules for the government of the school.

(b) Appoint the superintendent and other officers and employees.

(c) Remove for cause any officer, teacher, or employee.

(d) Fix the compensation of officers, teachers, and employees.

SEC. 3. Section 20771 of said code is amended to read:

20771. The superintendent of the school shall have had not less than three years' experience in the art of teaching the deaf and shall hold a credential issued by the State Board of Education authorizing him to teach in secondary schools of this State. Superintendent of school

SEC. 4. Section 20772 of said code is amended to read:

20772. The powers and duties of the superintendent are such as are assigned to him by the State Director of Education. Powers

SEC. 5. Section 20792 of said code is amended to read:

Payment of expenses

20792. If the parent or guardian of any pupil in the school is unable either himself or from the estate of the child to clothe the child, or pay for its transportation to and from school, or for necessary dental work, eye care, operations, and hospitalization of the child while at the school, or is unable either himself or from the estate of the child to reimburse the State Department of Education for expenses incurred by it in providing dental work, eye care, operations, or hospitalization for the child in an emergency, the parent or guardian may apply for a certificate to that effect to the superior court of the county of which the parent or guardian of the child is a resident. If the court is satisfied that the parent or guardian either himself or from the estate of the child is unable to pay for any such service, it shall issue a certificate to that effect. The application for the certificate may also be made to the court by the superintendent of the school.

SEC. 6. Section 20793 of said code is amended to read:

Order of court

20793. If it appears to the satisfaction of the court that the parent or guardian has sufficient pecuniary ability or that there are sufficient funds in the estate of the child to provide the service for the child or to reimburse the State Department of Education for expenses incurred by it in providing the service for the child in an emergency, the court shall not issue the certificate, but shall, according to the nature of the application before it, either order the superintendent to provide the child with the service or order the parent or guardian either himself or from the estate of the child, as the court determines, to reimburse the State Department of Education for expenses incurred by it in providing the service for the child in an emergency.

SEC. 7. Section 20794 of said code is amended to read:

Suit for expenses

20794. If the State Department of Education is not reimbursed by the parent or guardian personally or from the estate of the child for expenditures made by the superintendent under the order of the court or if the parent or guardian does not comply with an order of the court to reimburse the State Department of Education either personally or from the estate of the child for expenses incurred by it in providing the service for the child in an emergency, the superintendent may sue the parent or guardian, in the name of the State, to recover any money paid out by order of the court or due the State Department of Education as reimbursement under an order of the court.

SEC. 8. Section 20795 of said code is amended to read:

County charge

20795. All money expended under the authority of any such certificate for clothing and transportation, necessary dental work, eye care, operations, and hospitalization, and all money expended by the State Department of Education for expenses incurred by it in providing dental work, eye care, operations, or hospitalization for the child in an emergency for which the State Department of Education cannot be reimbursed by the

parent or guardian of the child as shown by the certificate, constitutes a legal charge against the county from which the certificate is issued. Expenditures for clothing and transportation shall not exceed the sum of two hundred dollars ($200) a year.

SEC. 9. Section 20796 of said code is amended to read:

Payment of expenses

20796. The certificate shall be presented to the superintendent of the school. When the certificate shows that the parent or guardian of the child is unable either himself or from the estate of the child to clothe the child, or pay for his transportation to and from school, or for necessary dental work, eye care, operations, and hospitalization of the child while in school, the superintendent shall clothe the child and provide the transportation, necessary dental work, eye care, operations, and hospitalization. The expense of the services, or any of them, shall be advanced by the State Department of Education out of money appropriated for the support of the school.

SEC. 10. Section 20797 of said code is amended to read:

Audit and credit

20797. Upon presentation to the board of supervisors of the county in which the certificate is issued, of an itemized claim, duly sworn to by the superintendent of the school before an officer authorized to administer oaths, for the expense for clothing, transportation, and other items provided and furnished under the authority of the certificate, or for the reimbursement of the State Department of Education, the board of supervisors shall audit and approve the claim. The county auditor of the county shall thereupon include the amount thereof in his state settlement report prescribed in Section 30104 of the Government Code. The amount of the settlement and all reimbursements of the State Department of Education under this section shall be credited by the State Controller to the current appropriation for the support and maintenance of the school.

CHAPTER 1369

An act to amend Section 10783 of the Revenue and Taxation Code and Section 374.4 of the Vehicle Code, relating to exempting vehicles owned by disabled and blind veterans from motor vehicle license and registration fees.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 10783 of the Revenue and Taxation Code is amended to read:

10783. The license fee imposed by this part does not apply to any vehicle, other than a commercial vehicle, owned by a veteran who has lost, or has lost the use of, both legs, or who has suffered permanent blindness as defined in Section 9183 of

the Education Code, as a result of injury or disease suffered while on active service with the military, naval, or air forces of the United States.

The exemption granted by this section shall extend to not more than one vehicle owned by any such veteran.

SEC. 2. Section 374.4 of the Vehicle Code is amended to read:

374.4. Exemptions From Registration Fees for Crippled and Blind Veterans. The fees specified in this code except fees for duplicate license plates, certificates or cards need not be paid for any vehicle, other than a commercial vehicle, of a type subject to registration hereunder owned by any veteran who has lost, or has lost the use of, both legs, or who has suffered permanent blindness as defined in Section 9183 of the Education Code, as a result of injury or disease suffered while on active service with the military, naval, or air forces of the United States. Such vehicles shall be registered as otherwise required by this code by the person having custody thereof and such custodian shall display upon said vehicle a license plate or plates bearing distinguishing marks or symbols as hereinbefore specified which said plate or plates shall be furnished by the department free of charge.

The exemption granted by this section shall extend to not more than one vehicle owned by any such veteran.

CHAPTER 1370

An act to amend Section 2350 of the Welfare and Institutions Code, relating to life care.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 2350 of the Welfare and Institutions Code is amended to read:

2350. Any organization or person may receive transfers of property from an aged person conditioned upon an 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; provided, such organization or person has received a written license or permit pursuant to Section 2300 or 5700 of this code or Chapter 2 of Division 2 of the Health and Safety Code and such organization or person has been granted a certificate of authority by the State Department of Social Welfare.

Organizations or persons who furnish care exclusively under agreements which may be canceled by either party without cause are not required to obtain a certificate of authority from the State Department of Social Welfare.

CHAPTER 1371

An act to amend Section 18852 of the Government Code and to add Section 18860 thereto, relating to salaries of state civil service employees.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.] In effect September 7, 1955

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

SECTION 1. Section 18852 of the Government Code is amended to read:

18852. Salary ranges shall consist of minimum and maximum salary limits. The board shall provide for intermediate steps within such limits to govern the extent of the salary adjustment which an employee may receive at any one time; provided, that in classes and positions with unusual conditions or hours of work or where necessary to meet prevailing rates and practices for comparable services in other public employment and in private business the board may establish more than one salary range or rate or method of compensation within a class.

SEC. 2. Section 18860 is added to the Government Code, to read:

18860. Employees in a particular class shall receive a salary within the limits established for that class; provided, that when a position has been allocated to a lower class or the salary range or rate of pay of the class is reduced, the board may authorize the payment to an employee of a rate above the maximum of the class. During such time as an employee's salary remains above the maximum rate of pay for his class, he shall not receive further salary increases.

CHAPTER 1372

An act to amend Section 423.1 of the Vehicle Code, relating to the refund of security deposits.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.] In effect September 7, 1955

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

SECTION 1. Section 423.1 of the Vehicle Code is amended to read:

423.1. Refund of Security Deposits. (a) Whenever all judgments or settled claims, hereinabove referred to, have been discharged, or a period of one year has elapsed following the accident or following the deposit of security under Section 422.3, subdivision (c), and no action at law involving any such claim was instituted and is pending, any security remaining

on deposit shall be refunded to the person making the deposit or to a person designated by him.

(b) In the event that such deposit or any balance thereof is determined by the department to be refundable under the provisions of this section but remains unclaimed by the depositor or any other person entitled thereto for a period of five years following the date of such determination such unclaimed deposit shall then be transferred to the Motor Vehicle Fund.

CHAPTER 1373

An act to repeal Sections 62.5, 71, 101, 102, 103.5, 103.6, 103.7, 103.9, 281, 282 and 283 of, and to amend Sections 277 and 278 of, the Fish and Game Code, relating to fish and game districts.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Sections 62.5, 71, 101, 102, 103 5, 103.6, 103.7, 103.9, 281, 282 and 283 of the Fish and Game Code are repealed.

SEC. 2. Section 277 of said code is amended to read:

277. In the Huntington Lake Game Refuge it is lawful to possess firearms, except as otherwise provided by law, and such firearms may be possessed unsealed.

SEC. 3. Section 278 of said code is amended to read:

278. In the Huntington Lake Game Refuge birds and mammals lawfully possessed outside the boundaries of the refuge may be possessed within the refuge.

CHAPTER 1374

An act to amend Section 31653 of the Government Code, relating to the retirement of county employees.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 31653 of the Government Code is amended to read:

31653. Notwithstanding the provisions of this article, the board of supervisors may elect to contribute for any member of this system who is absent from and re-enters county service pursuant to Section 31649 of this code, amounts equal to the contributions which would have been made by the member and the board of supervisors to the system on the basis of his com-

pensation earnable at the commencement of his absence, if he had not been so absent.

If the board of supervisors elects to make any member's contributions pursuant to this section:

(a) 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.

(b) 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 county service is entitled to be credited with any contribution the board of supervisors elects to make, 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.

(c) The contributions made by the board of supervisors pursuant to this section shall be available only for the purpose of retirement for service or for disability, and shall be made available only for the purpose of retirement, and a member resigning from county service after reinstatement from military service shall be entitled to withdraw only that portion of his accumulated contributions personally made by him.

(d) This section shall be retroactively applied to extend its benefits to such members of this system as the board of supervisors may determine whose absence from county service on military service commenced on or after September 16, 1940, and who return or have returned to this service upon the termination of their military service.

CHAPTER 1375

An act to add Section 585.9 to the Vehicle Code, relating to when an officer may impound a vehicle for investigation.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 585.9 is added to the Vehicle Code, to read:

585.9. When Officer May Impound Vehicle for Investigation. When any member of the California Highway Patrol or any regularly employed and salaried officer of a police department in a city has reasonable cause to believe that a motor vehicle on a highway has been involved in a hit-and-run accident, and the operator of said vehicle has failed to stop and comply with the provisions of Section 482, such officer may

cause such vehicle to be removed from the highway to the nearest garage or other place of safety for the purpose of inspection, but such vehicle, if not sooner released, shall be released upon the expiration of 24 hours after such removal from the highway upon demand of the owner.

CHAPTER 1376

An act to amend Section 690.26 of the Code of Civil Procedure, relating to exemptions from attachment or execution proceedings.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 690.26 of the Code of Civil Procedure is amended to read:

Affidavit

690.26. (1) 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 (herein referred to as "the debtor"), in order to avail himself of his exemption rights as to such property, shall deliver to the levying officer an affidavit of himself or his agent, together with a copy thereof, alleging that the property levied upon, identifying it, is exempt, 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, and also stating therein his address within this State for the purpose of permitting service by mail upon him of the counter-affidavit and any notice of the motion herein provided.

Release of earnings

(2) When an affidavit of exemption is filed in accord with Section 690.11, the debtor shall be entitled to an immediate release of one-half of his earnings earned within 30 days next preceding the date of levy.

Notice to creditor

(3) Forthwith upon receiving the affidavit of exemption the levying officer shall serve upon the plaintiff or the person in whose favor the writ runs (herein referred to as "the creditor"), either personally or by mail, a copy of the affidavit of exemption, together with a writing, signed by the levying officer, stating that the claim to exemption has been received and that the officer will release the property unless he receives from the creditor a counter-affidavit within five days after service of such writing.

Counter-affidavit of creditor

(4) If the creditor desires to contest the claim to exemption, he shall within such period of five days, file with the levying officer 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, alleg-

ing that the value of the property claimed to be exempt is in excess of the value stated in the applicable section or sections, together with proof of service of a copy of such counter-affidavit upon the debtor.

Release of property

(5) If no such counter-affidavit, with such proof of service, is so filed with the levying officer within the time allowed, the officer shall forthwith release the property.

Hearing

(6) If such counter-affidavit, with such proof of service, is so filed, either the creditor or the 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 claim to exemption, or the value of the property claimed to be exempt. Such hearing must be granted by the court upon motion of either party made within five days after the counter-affidavit is filed with the levying officer, and such hearing must be had within 15 days from the date of the making of such motion unless continued by the court for good cause. The party making the motion for hearing must give not less than five days' notice in writing of such hearing to the levying officer and to the other party and specify therein that the hearing is for the purpose of determining the claim to exemption. The notice may be of motion or of hearing and upon the filing of the notice with the clerk of court, the motion is deemed made.

Notice

Release of property

(7) If neither party makes such motion within the time allowed, the levying officer shall forthwith release the property to the debtor.

Sale of perishable property, etc

(8) At any time while the proceedings are pending, upon motion of either party or upon its own motion, the court may (a) order the sale of any perishable property held by such officer and direct disposition of the proceeds of such sale; and (b) make such other orders as may be proper under the particular circumstances of the case. Any orders so made 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 during the pendency of the proceedings, upon such terms as may be just.

Physical possession of property

(9) The levying officer 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, pending the final determination of the claim to exemption; 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.

Hearing procedure

(10) At such hearing, the party claiming the exemption shall have the burden of proof. The affidavits and counter-affidavits shall be filed by the levying officer with the court and shall constitute the pleadings, subject to the power of the court to permit an amendment in the interests of justice. The affidavit of exemption shall be deemed controverted by the counter-affidavit and both shall be received in evidence. 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 a proceeding under this section. When the hearing is before the court sitting without a jury, and no evidence other than the affidavit and counter-affidavit is offered, the court if satisfied that sufficient facts are shown thereby, may make its determination thereon; otherwise, it shall order the hearing continued for the production of other evidence, oral or documentary, or the filing of other affidavits and counter-affidavits. At the conclusion of the hearing, the court shall give judgment determining whether the claim to exemption shall be allowed or not, in whole or in part, which judgment shall be determinative as to the right of the creditor to have the 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 shall make all proper orders for the disposition of such property or the proceeds thereof.

Judgment

Transmittal to levying officer

(11) A copy of any judgment entered in the trial court shall be forthwith transmitted by the clerk to the levying officer 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 from the judgment be waived, or the judgment has otherwise become final, shall continue to hold such property under attachment or execution, continuing the sale of any property held under execution until such judgment becomes final.

Service by mail

(12) When any documents required hereunder are served by mail, the provisions of this code relating to service by mail shall be applicable thereto.

Extension of time

(13) Whenever the time allowed for an act to be done hereunder is extended by the court, written notice thereof shall be given promptly to the opposing party, unless such notice be waived, and to the levying officer.

Appeal

(14) 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.

CHAPTER 1377

An act to amend Sections 23426 and 23428.5 of, and to add Sections 23428.1, 23428.2, 23428.3 and 23433 to, the Business and Professions Code, relating to club licenses.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 23426 of the Business and Professions Code is amended to read:

23426. For the purposes of this article "club" also means any golf club which has more than 100 bona fide members, which owns, maintains, or operates a regular golf links together with a clubhouse thereon, and which has operated the establishment for not less than one year; or any swimming and tennis club which maintains a standard AAU swimming pool and not less than two regulation tennis courts, together with the necessary facilities and clubhouse, which has 200 members or more paying regular monthly dues, and which has been in existence for not less than two years. Club licenses Golf club

SEC. 2. Section 23428.1 is added to said code, to read:

23428.1. For the purposes of this article "club" also means any county medical association having an authorized delegate to the California Medical Association and composed entirely of doctors of medicine duly admitted, licensed and qualified to practice medicine and surgery within the State, which has a bona fide membership of more than 1,000 members and has been in existence for a period of more than 20 years and which owns, leases, operates or maintains a club room or rooms for its members, and has operated the club room or rooms for a period of not less than three years. County medical association

SEC. 3. Section 23428.2 is added to said code, to read:

23428.2. For the purposes of this article "club" also means any rod and gun club which is a nonprofit organization belonging to a recognized national association of rod or gun clubs, and which has more than 500 bona fide regular members, each of whom is required to pay regular membership dues of not less than ten dollars ($10) each year, and which owns, maintains, or operates a clubhouse and has continuously operated a clubhouse for not less than three years. Rod and gun club

SEC. 4. Section 23428.5 of said code is amended to read:

23428.5. For the purposes of this article "club" also means any press club which is a nonprofit organization and whose members are entitled to exchange privileges with similar organizations in at least 12 other states, and which has a bona fide membership of more than 100 members, and which owns, leases, and operates or maintains a clubhouse or clubroom and which has operated such clubhouse or clubroom for not less than three years. Press club

SEC. 5. Section 23428.8 is added to said code, to read:

23428.8. For the purposes of this article, "club" also means any parlor of the Native Sons of the Golden West which has as the owner, lessee or occupant thereof operated an establishment for fraternal purposes for not less than three years. N S G W parlor

SEC. 6. Section 23433 is added to said code, to read:

23433. The department may issue an off-sale license to any golf club which has more than 400 bona fide members, which owns, maintains, or operates a regular golf links together with a clubhouse thereon, and which has operated the establishment for not less than 60 years, which license authorizes the sale, to consumers only and not for resale, of alcoholic bev- Off-sale license Golf club

erages which an off-sale general licensee may sell, but only to bona fide members of the club and their bona fide guests. A license issued to a golf club pursuant to this section is not transferable. The provisions of Article 2 of Chapter 5 of this division do not apply to the issuance of a license pursuant to this section. The fee for a license issued pursuant to this section shall be the same as the fee for club licenses described in Section 23430.

CHAPTER 1378

An act to add Sections 655.5, 5755.5, 5756, 5757, and 6700.5 to, and to amend Section 5751 of, the Elections Code, relating to the canvass of ballots by electronic tabulators.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 655.5 is added to the Elections Code, to read:

Precinct board

655.5. Whenever election precincts are consolidated by reason of the fact that ballots cast therein are to be counted by an electronic tabulating device, the precinct board shall consist of one inspector, one judge and two clerks.

SEC. 1.5. Section 5751 of said code is amended to read:

Electronic machines Tabulation

5751. When and after this chapter becomes operative, in any county where electronically operated machines are used for counting the ballots, as to any election the marking of the ballots shall be done with a specially prepared pencil which will mark the ballot with a substance such that an electronic tabulator will register the vote. In lieu of the canvass at the polls the ballots shall be transmitted to a central canvassing place where the vote shall be counted and tabulated by electronically operated machines devised for that purpose.

SEC. 2. Section 5755.5 is added to said code, to read:

Form and content of ballot

5755.5. In any county or precinct in which the vote is tabulated by an electronic tabulating device, the form and content of the ballots used therein shall be modified in the following manner:

(a) The ballot shall not exceed 20⅜ inches in length, including a 2¾-inch space at the top thereof to be used for the ballot heading and a 1-inch space on the bottom thereof to be used for the ballot stub. It shall be of a standard width of 16 158 inches, and each column appearing thereon shall be 2½ inches wide, including a voting space ⅜ inch long and $\frac{3}{16}$ inch wide.

(b) The paper ballots which are counted by automatic, mechanical, or electrical devices shall contain the same material as to candidates and measures as already provided for, except that instead of being arranged in parallel columns, the

material is to be arranged in vertical columns, commencing in the left-hand column following the instructions to the voter. The material that would be in the other columns follows in order from left to right in the same sequence. The style and size of type and the spacing of the material may be varied to suit the conditions imposed by the use of the ballot.

(c) The instructions to voters shall read as follows:

Instructions to Voters

To vote for a candidate of your selection fill in voting space with heavy black lines.

To vote on any measure fill in voting space with heavy black lines after the words YES or NO.

To vote for a person whose name does not appear on the ballot write the name of such person under the title of the office in the blank space left for that purpose.

(d) The binding or stitching of each package of ballots shall be on the bottom thereof.

(e) The summarizations of measures on the ballot shall be made by condensed statements, not to exceed 20 words where possible in length. The Attorney General shall prepare such a condensed statement for each measure to be voted on throughout the State, which statement shall take the place of the ballot title prepared by him. Summarization of measures

SEC. 3. Section 5756 is added to said code, to read:

5756. As soon as the polls are finally closed the precinct board shall take out of the boxes the ballots, unopened, except so far as to ascertain whether each ballot is single, and shall count them to ascertain whether the number of ballots corresponds with the number of names on the roster. If the number of ballots exceeds the number of names on the roster, the excess ballots shall be destroyed pursuant to Section 7007. The board shall then unfold the ballots, and if directed to do so by the county clerk, shall count the votes cast for write-in candidates and those candidates affiliated with minority parties. The board shall then deliver the ballots, together with its tabulation of write-in votes and votes cast for candidates of minority parties, if it has made such tabulation, to the central counting place. Count of votes

The requirement imposed by Section 7023 of this code shall not be applicable in precincts in which votes are tabulated by means of an electronic tabulating device.

SEC. 4. Section 5757 is added to said code, to read:

5757. The county clerk shall employ such number of workers as is required to conduct the tabulation and recording of ballots at the central counting place. Workers, procedure, etc.

He may vary the procedure followed at the central counting place to suit the needs of his various districts, and may determine the order and precedence in which the ballots shall be counted.

He may also order the vote cast for write-in candidates and those cast for minority party candidates to be counted at the central counting place instead of at the precinct.

SEC. 5. Section 6700.5 is added to said code, to read:

Paper ballots

6700.5. All references to a card form of ballot shall also apply to a paper ballot, under the provisions of this chapter, whenever such paper ballot is to be counted by either automatic, mechanical or electrical devices.

CHAPTER 1379

An act to amend Section 28101 of the Government Code, relating to grand juries.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 28101 of the Government Code is amended to read:

Los Angeles County grand jury

28101. In a county of the first 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.

Each member of the grand jury shall be allowed three dollars ($3) for each day's attendance upon the sessions of the grand jury, or for each day's attendance as a member of any committee of the grand jury, and mileage at the rate of fifteen cents ($0.15) for each mile actually and necessarily traveled in going only, in attending meetings of the grand jury, or any session of a grand jury committee duly called by the foreman or committee chairman.

CHAPTER 1380

An act to amend Section 11001 of the Health and Safety Code, relating to narcotics.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 11001 of the Health and Safety Code is amended to read:

11001. "Narcotics," as used in this division, means any of the following:

(a) Cocaine.

(b) Opium.

(c) Morphine.

(d) Codeine.
(e) Heroin.
(f) Alpha eucaine.
(g) Beta eucaine.
(h) All parts of the plant Cannabis sativa L. (commonly known as marihuana), whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; except as otherwise provided by law.
(i) Isonipecaine. "Isonipecaine" shall mean any substance identified chemically as 1-methyl-4-phenyl-piperidene-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated.
(j) Amidone. "Amidone" shall mean any substance identified chemically as 4,4-diphenyl-6-dimethylamino-heptanone-3. or any salt thereof by whatever trade name designated.
(k) Any substance decreed to be a narcotic as provided by Section 11002.1.
(*l*) All parts of the plant of the genus Lophophora whether growing or otherwise; the buttons thereof, the alkaloids extracted from any such plant; and every compound, salt, derivative, mixture or preparation of such plant.
(m) Dromoran. "Dromoran" shall mean any substance identified chemically as dl-3-hydroxy-N-methylmorphinan, l-3-hydroxy-N-methylmorphinan (but excepting d-3-hydroxy-N-methylmorphinan), dl-3-methoxy-N-methylmorphinan, or l-3-methoxy-N-methylmorphinan (but excepting d-3-methoxy-N-methylmorphinan), or any salt thereof by whatever trade name designated.
(n) Nisentil. "Nisentil" shall mean any substance identified chemically as α-1,3-dimethyl-4-phenyl-4-propionoxy-piperidine or any salt thereof by whatever trade name designated.
(o) Ketobemidone. "Ketobemidone" shall mean any substance identified chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone or any salt thereof by whatever trade name designated.

CHAPTER 1381

An act to amend Section 11721 of the Health and Safety Code, relating to persons under the influence of narcotics.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 11721 of the Health and Safety Code is amended to read:
11721. No person shall unlawfully use or be addicted to the unlawful use of narcotics. No person shall be under the

influence of narcotics except when such narcotics have been administered by or under the direction of a person licensed by the State to prescribe and administer narcotics. Any person convicted of violating any provision of this section is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year in the county jail. The court may place a person convicted hereunder on probation for a period not to exceed five years and shall in all cases in which probation is granted require as a condition thereof that such person be confined in the county jail for at least 90 days. In no event does the court have the power to absolve a person who violates this section from the obligation of spending at least 90 days in confinement in the county jail.

CHAPTER 1382

An act to amend Sections 14795, 14796, and 14797 of the Revenue and Taxation Code, relating to the fees of the county treasurer for the services performed by him in the collection of inheritance taxes.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 14795 of the Revenue and Taxation Code is amended to read:

14795. In addition to any other compensation to which he is entitled by law, for the services performed by him pursuant to this part, the county treasurer may retain out of the inheritance taxes paid to and accounted for by him each year commissions equal to the following:

a. Three percent of the inheritance taxes paid to and accounted for by him each year.

SEC. 2. Section 14796 of said code is amended to read:

14796. The maximum commissions that may be retained by the county treasurer out of the inheritance taxes paid in respect to any transfer or transfers made by or resulting from the death of any one decedent is seven hundred fifty dollars ($750).

No portion of the tax or taxes paid on the transfer or transfers in excess of the sum entitling the county treasurer to maximum commissions shall be considered in computing his commissions.

SEC. 3. Section 14797 of said code is amended to read:

14797. The maximum commissions that may be retained by the county treasurer out of the total inheritance taxes paid to and accounted for by him in any one year are as follows:

a By the county treasurer of a county of the first class, sixty-five thousand dollars ($65,000).

b. By the county treasurer of a county of the second class, forty thousand dollars ($40,000).

c. By the county treasurer of a county of the third class, twenty-five thousand dollars ($25,000).

d. By the county treasurer of a county of the fourth class, twenty thousand dollars ($20,000).

e. By the county treasurer of a county of any other class, fifteen thousand dollars ($15,000).

CHAPTER 1383

An act to add Section 28103.1 of the Government Code, relating to fees of trial jurors in municipal courts in counties of the third class.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 28103.1 is added to the Government Code, to read:

Alameda County Municipal Court jurors' fees

28103.1. In a county of the third class, the fees of trial jurors in a municipal court, in both civil and criminal cases, are five dollars ($5) for each juror sworn to try the cause, and necessary common carrier fare for each day's attendance upon the court. Fees of jurors in municipal courts, 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 1384

An act to amend Section 28111 of the Government Code, relating to compensation for public service in a county of the eleventh class.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. 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, nine thousand three hundred fifty dollars ($9,350) 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 com-

pensations received by him in his official capacity, other than his official salary.

(b) The district attorney, fifteen thousand dollars ($15,000) 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, nine thousand dollars ($9,000) 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 justice courts, three dollars ($3), for each day of actual service as a juror.

The judge 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.

CHAPTER 1385

An act to amend Section 2014 of the Welfare and Institutions Code, relating to aid to the aged.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 2014 of the Welfare and Institutions Code is amended to read:

2014. In case of dispute, the application and supporting documents pertaining to his case on file in the Department of Social Welfare or on file in any county office or elsewhere shall be open to inspection at any time during business hours by the applicant or recipient, or by his designated attorney or agent upon proof of his designation as such attorney or agent. The county welfare department shall transmit to the applicant

or recipient, and to his designated attorney or agent, if any, within 10 days after request is made therefor, such information as is available in the case record which will assist the applicant or recipient in filing an appeal to, or applying for a hearing before, the State Social Welfare Board.

CHAPTER 1386

An act to amend Section 267 of the Harbors and Navigation Code, relating to power boats.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 267 of the Harbors and Navigation Code is amended to read:

267. Every owner, operator, or person in command of any power boat, is guilty of a misdemeanor who operates it or permits it to be operated at a speed in excess of five nautical miles per hour in any of the following areas:

(a) Within 100 feet of any person who is engaged in the act of bathing. A person engaged in the sport of water skiing shall not be considered as engaged in the act of bathing for the purposes of this section.

(b) Within 200 feet of any:

(1) Beach frequented by bathers.

(2) Swimming float, diving platform, or life line.

(3) Way or landing float to which boats are made fast or which is used for the embarkation or discharge of passengers.

The provisions of this section shall apply to all waters which are in fact navigable regardless of whether they are declared navigable by this code.

CHAPTER 1387

An act to add Section 1257 to the Streets and Highways Code, relating to methods of work.

[Approved by Governor June 25, 1955. Filed with Secretary of State June 27, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1257 is added to the Streets and Highways Code, to read as follows:

1257. Notwithstanding any other provision of law, in any county employing a competent engineer as road commissioner, the board of supervisors may elect to perform work or projects or let contracts for the performance of work or projects under the provisions of the State Contract Act (Title 2, Divi-

sion 3, Part 5, Chapter 3 of the Government Code); and when such election is made, references in said act to State shall mean county, and references to any state agency shall mean county board of supervisors, or such county agency as the board of supervisors may designate, and the provisions of said act shall be fully applicable to work or projects so to be performed by the county.

CHAPTER 1388

An act to add Section 459.85 to the Vehicle Code, relating to disabled veterans.

In effect September 7, 1955

[Approved by Governor June 25, 1955 Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 459.85 is added to the Vehicle Code, to read:

459.85. Parking Exemption to Paraplegic or Disabled Veterans. Notwithstanding any other provision of this code, any paraplegic or disabled veteran, who is entitled to either of the exemptions provided in Section 374.4 of this code and Section 10783 of the Revenue and Taxation Code, shall be allowed to park in restricted zones. This section shall not be construed, however, to allow the stopping, parking, or standing of a vehicle at the times and places that stopping, parking, or standing of all vehicles is prohibited absolutely by state law or local ordinance.

CHAPTER 1389

An act to amend Section 24245 of the Health and Safety Code, relating to the control of air pollution.

In effect September 7, 1955

[Approved by Governor June 25, 1955 Filed with Secretary of State June 27, 1955.]

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

SECTION 1. Section 24245 of the Health and Safety Code is amended to read:

24245. This article does not apply to smoke from fires set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, for the purpose of weed abatement, the prevention of a fire hazard, or the instruction of public employees in the methods of fighting fire, which is, in the opinion of such officer, necessary, or from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

CHAPTER 1390

An act to amend Sections 5642 and 5652 of the Public Resources Code, relating to park, recreation and parkway districts.

[Approved by Governor June 27, 1955 Filed with Secretary of State June 28, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 5642 of the Public Resources Code is amended to read:

5642. Within 30 days after the adoption of the resolution establishing the district boundaries, and designating the name of the district, 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 the district shall be formed, and for the selection of five persons, having the qualifications prescribed by this article for district trustees, to serve on the first board of district trustees. Call of formation election

SEC. 2. Section 5652 of said code is amended to read:

5652. Every election in the district shall be called by the board of trustees by a resolution entered on its minutes at least 30 days prior to the date of the election. Except for formation, dissolution and special bond elections, the date for all district elections shall be set so as to coincide with the election of the officials of the county in which is located the largest proportionate value of the land within the district, as shown by the last equalized assessment roll or rolls. District elections Conduct

The resolution shall provide for the following:

(a) One or more precincts within the boundaries of the district, and one or more polling places in each precinct;

(b) An election board, consisting of at least one inspector and two judges, for each precinct;

(c) The time of the election, the hours during which the polls will be open, and the purpose for which the election is held;

(d) The manner of voting and the form of ballot to be used.

Within 10 days after it is adopted the board shall cause copies of the resolution to be posted in three public places in each election precinct. The posting of the resolution shall be sufficient notice of the election called.

CHAPTER 1391

An act to amend Sections 10270.5 and 10270 of the Insurance Code, to amend Sections 16423 and 16424 of the Education Code and to add Section 16424.1 to the Education Code, relating to pupil accident insurance, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 10270.5 of the Insurance Code is amended to read:

Group disability insurance

10270.5. Group disability insurance is that form of disability insurance which conforms to all of the following conditions:

(a) Written under a master policy,

(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 insurance 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 insurance based upon some plan which will preclude individual selection by the employee as to the amount of his insurance coverage thereunder; or

(2) Issued to a principal eligible to have issued to him a policy of group life insurance under the provisions of Section 10203.7 and insuring not less than 10 agents as defined in that section and eligible thereunder to be insured; or

(3) Issued to any association having a constitution and by-laws and formed in good faith for purposes other than that of obtaining insurance, offering insurance to all the eligible 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 insurance based upon some plan which will preclude individual selection by the member as to the amount of his insurance coverage thereunder. If the master policy is to be issued to cover members of labor unions, it may be issued to more than one such union; or

(4) Issued to any trustees eligible to have issued to them a policy of group life insurance under the provisions of Section 10202.8 and insuring not less than 10 employees or members eligible thereunder to be insured or such employees or members together with their dependents or spouses; or

(5) Issued to a school district or districts or to the governing board of any school district or districts or to a private or parochial school or schools or to the governing board or person in charge of the operation of any private or parochial school or schools, insuring not less than 50 pupils of the school or district and providing benefits to pupils or persons responsible for their support for hospital, medical and surgical expenses resulting from accident to such pupils while they are in or on buildings or premises of the schools or districts during the time such pupils are required to be therein or thereon by reason of their attendance upon a college or a regular day school or any regular day school of a school district or districts or while being transported by the school or schools or district or districts to and from school or other place of instruction or while at any other place as an incident to school sponsored activities and while being transported to, from and between such places; and under which

(b) Transmission or collection of all premiums or premium contributions shall be performed by the policyholder, except where the policy specifies the persons other than the policyholder by whom such transmission or collection shall be made, and in one of the following situations:

(1) If such policy covers the employees of more than one employer, the insurer may collect premium contributions from individual employers whose employees are insured or may assist the policyholder in making such collections. If the employees of more than 100 such employers are covered under such policy, it shall state as a separate part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(2) If the policy covers a group of governmental employees and the governmental unit paying such employees will not transmit their premium contribution after pay roll deduction, the insurer may collect from the individual employees. If more than 100 such employees are covered under such policy, it shall state as a separate part of the premium to be charged for the policy the amount to be charged by the insurer for such collection.

(3) If individual members of the group make payment of their share of the premium contribution to the insurer without billing or solicitation by the insurer during a period of temporary absence from active work of not exceeding 90 days, such payment may be received without the necessity of any separately stated charge by the insurer.

(c) There is issued and delivered in accordance with the policy provision required by subsection (b) of Section 10270.6 an individual certificate setting forth the benefits and the exceptions under, and referring to, the master policy under which the certificate is issued.

Such certificates are not subject to the provisions of this chapter relating to the master policy, but the forms thereof shall be submitted to the commissioner for his approval and

shall not be issued without such approval of such forms in the manner provided in the case of the master policy.

SEC. 2. Section 10270 of the Insurance Code is amended to read:

Exemptions: Blanket policies, Workmen's Compensation Insurance, etc.

10270. This chapter shall not affect workmen's compensation insurance nor any policy of liability insurance with or without supplementary coverage therein, nor shall it apply:

(a) To a blanket policy issued to a volunteer fire company providing benefits to members only in event of accident incurred while performing actions incident to such membership.

(b) To a blanket policy issued to a college, school, or other institution of learning or to the head or principal thereof agreeing to indemnify for loss of tuition by reason of disability of students enrolled therein.

(c) To a blanket policy issued to a school district or districts or to the governing board of any school district or districts or to a private or parochial school or schools or to the governing board or person in charge of the operations of any private or parochial school or schools providing benefits to pupils or persons responsible for their support for hospital, medical and surgical expenses resulting from accident to such pupils or those thereof who comprise any athletic team while they are in or on buildings or premises of the schools or districts during the time such pupils are required to be therein or thereon by reason of their attendance upon a college or a regular day school or any regular day school of a school district or districts or while being transported by the school or schools or district or districts to and from school or other place of instruction or while at any other place as an incident to school-sponsored activities and while being transported to, from and between such places.

(d) To a blanket policy issued to the proprietor or sponsor of an organized camping institution providing benefits to campers or persons responsible for their support for hospital, medical, surgical or nursing expenses resulting from accident to such campers or arising out of sickness first manifesting itself while they are in or on buildings or premises of the camp institution or being transported between their home and the camp institution or while at any other place as an incident to camp-sponsored activities and while being transported to, from and between such places.

Voluntary plan

(e) To a policy issued on application of an employer, a majority of the employees in this State of an employer, or both, to pay the benefits afforded by a voluntary plan of unemployment compensation disability insurance. Notwithstanding the provisions of Section 10113, such policies may incorporate by reference any of the appropriate provisions of Article 10 of the California Unemployment Insurance Act and the authorized regulations of the California Employment Stabilization Commission.

(f) To any policy or contract of reinsurance.

A "blanket policy" is any disability policy sold to any of the entities described in subdivision (a), (b), (c) or (d) of this section and providing coverage for all persons within categories defined in the policy and precluding any requirement for individual enrollment or individual undertaking to pay all or part of the premium as a condition precedent to coverage; provided, that nothing in this section shall be so construed as to prohibit the cost of the insurance coverage being borne by the individuals insured or by their parents or guardians; and provided further, that coverage shall not be provided to any person who files with the entity to whom the blanket policy is to be issued for delivery to the insurer a written statement requesting that he not be covered. In the case of a minor, such statement may be filed by his parent or guardian. If the number of persons filing such statements exceeds ten percent (10%) of the number of persons within categories defined as covered under the policy, it shall not be put into effect, and if in effect shall not be renewed.

Approval of commissioner

No policies described in subdivisions (a), (b), (c) and (d) hereof shall be issued until approved as to substance and form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the substance, form and issuance of such policies, as are necessary or desirable to preserve, insofar as applicable, standards as respects substance, form and issuance comparable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued.

No policies described in subdivision (e) hereof shall be issued until approved as to form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the form and issuance of such policies, as do not affect the substance of the coverage, and as are necessary or desirable to preserve, insofar as applicable, standards as respects form and issuance comparable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued.

Section 10130 does not apply to policies described in subdivision (e) hereof.

SEC. 3. Section 16423 of the Education Code is amended to read:

Medical and hospital service

16423. The governing board of any school district or districts may provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket or individual policies of accident insurance from authorized insurer, for pupils of the district or districts injured while participating in athletic activities

under the jurisdiction of, or sponsored or controlled by, the district or districts or the authorities of any school of the district or districts. The cost of the insurance or membership may be paid, from the funds of the district or districts, or by the insured pupil, his parent or guardian.

The insurance may be purchased from, or the membership may be taken in, only such companies or corporations as are authorized to do business in this State.

SEC. 4. Section 16424 of the Education Code is amended to read:

Same

16424. The governing board of any school district or districts which does not employ at least five physicians as full time supervisors of health, or the equivalent thereof, may provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket or individual policies of accident insurance or through policies of liability insurance from authorized insurers, for injuries to pupils of the district or districts arising out of accidents occurring while in or on buildings and other premises of the district or districts during the time such pupils are required to be therein or thereon by reason of their attendance upon a regular day school of such district or districts or while being transported by the district or districts to and from school or other place of instruction, or while at any other place as an incident to school-sponsored activities and while being transported to, from and between such places. No pupils shall be compelled to accept such service without his consent, or if a minor without the consent of his parent or guardian. The cost of the insurance or membership may be paid, from the funds of the district or districts, or by the insured pupil, his parent or guardian.

Such insurance may be purchased from, or such membership may be taken in, only such companies or corporations as are authorized to do business in California.

SEC. 5. Section 16424.1 is added to the Education Code, to read:

Distribution of printed matter

16424.1. To facilitate the authority referred to in Sections 16423 and 16424 the governing board of the school district or school districts may authorize the distribution by district personnel of such printed matter as may be furnished by the insurer or membership corporation.

Urgency

SEC. 6. 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 Attorney General has ruled that under existing law, in order to provide accident insurance for pupils, the school district must use its own funds, and such insurance may not be paid for by pupils or their parents. Many school districts

do not have sufficient funds to purchase such insurance and yet desire to make such insurance available to the pupils and their parents for the 1955 fall school term. It is important to the public welfare of this State to permit school districts to make such insurance available, and it is therefore necessary that this act take effect immediately.

CHAPTER 1392

An act to amend Section 10270 of, and to add Section 10270.1 to, the Insurance Code, relating to tuition refund and pupil accident insurance.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 10270 of the Insurance Code is amended to read:

Exemptions Blanket policies, Workmen's Compensation Insurance, etc

10270. This chapter shall not affect workmen's compensation insurance nor any policy of liability insurance with or without supplementary coverage therein, nor shall it apply:

(a) To a blanket policy issued to a volunteer fire company providing benefits to members only in event of accident incurred while performing actions incident to such membership.

(b) To a blanket policy issued to a school district or districts or to the governing board of any school district or districts or to a private or parochial school or schools or to the governing board or person in charge of the operations of any private or parochial school or schools providing benefits to pupils or persons responsible for their support for hospital, medical and surgical expenses resulting from accident to such pupils or those thereof who comprise any athletic team while they are in or on buildings or premises of the schools or districts during the time such pupils are required to be therein or thereon by reason of their attendance upon a college or a regular day school or any regular day school of a school district or districts or while being transported by the school or schools or district or districts to and from school or other place of instruction or while at any other place as an incident to school-sponsored activities and while being transported to, from and between such places.

(c) To a blanket policy issued to the proprietor or sponsor of an organized camping institution providing benefits to campers or persons responsible for their support for hospital, medical, surgical or nursing expenses resulting from accident to such campers or arising out of sickness first manifesting itself while they are in or on buildings or premises of the camp institution or being transported between their home and the camp institution or while at any other place as

an incident to camp-sponsored activities and while being transported to, from and between such places.

Voluntary plan

(d) To a policy issued on application of an employer, a majority of the employees in this State of an employer, or both, to pay the benefits afforded by a voluntary plan of unemployment compensation disability insurance. Notwithstanding the provisions of Section 10113, such policies may incorporate by reference any of the appropriate provisions of Article 10 of the California Unemployment Insurance Act and the authorized regulations of the California Employment Stabilization Commission.

(e) To any policy or contract of reinsurance.

A "blanket policy" is any disability policy sold to any of the entities described in subdivision (a), (b) or (c) of this section and providing coverage for all persons within categories defined in the policy and precluding any requirement for individual enrollment or individual undertaking to pay all or part of the premium as a condition precedent to coverage; provided, that nothing in this section shall be so construed as to prohibit the cost of the insurance coverage being borne by the individuals insured or by their parents or guardians; and provided further, that coverage shall not be provided to any person who files with the entity to whom the blanket policy is to be issued for delivery to the insurer a written statement requesting that he not be covered. In the case of a minor, such statement may be filed by his parent or guardian. If the number of persons filing such statements exceeds ten percent (10%) of the number of persons within categories defined as covered under the policy, it shall not be put into effect, and if in effect shall not be renewed.

Approval by commissioner

No policies described in subdivisions (a), (b) and (c) hereof shall be issued until approved as to substance and form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the substance, form and issuance of such policies, as are necessary or desirable to preserve, insofar as applicable, standards as respects substance, form and issuance comparable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued.

No policies described in subdivision (d) hereof shall be issued until approved as to form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the form and issuance of such policies, as do not affect the substance of the coverage, and as are necessary or desirable to preserve, insofar as applicable, standards as respects form and issuance comparable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued.

Section 10130 does not apply to policies described in subdivision (d) hereof.

SEC. 2. Section 10270.1 is added to said code, to read:

10270.1. (a) As used in this section:

Definitions

(1) "Institution" means any school, college or other institution of learning or the principal or head thereof.

(2) "Student" means any student or pupil or his parent, guardian or other person who pays or becomes obligated to pay the tuition or fee required for registration or attendance at the institution.

(3) "Tuition refund insurance" means any policy which, because of a student's absence from, or inability to register at or attend, an institution, provides for the indemnification of the student for his loss of tuition or if he has been previously indemnified therefor by the institution, for its reimbursement.

(b) Except to the extent provided herein, the other sections of this chapter shall not apply to tuition refund insurance providing coverage for ten (10) or more students.

Policy of tuition refund insurance

(c) No policy of tuition refund insurance shall be delivered or issued for delivery to any person in this State unless approved as to substance and form by the commissioner. The commissioner may, after notice and hearing, promulgate such reasonable rules and regulations, relating to the substance, form and issuance of such policies, as are necessary or desirable to preserve, insofar as applicable, standards as respects substance, form and issuance comparable to the standards in such respects prescribed by this chapter and applicable to disability policies, and to further the purpose or purposes for which such policies are to be issued.

Tuition refund insurance

(d) Tuition refund insurance may be issued only to an institution which does not have a similar policy in effect, but its cost may be borne by the student, in which event he may, upon request, obtain from the insurer a copy of the policy.

CHAPTER 1393

An act to add Section 2.5 to the San Bernardino County Flood Control Act (Chapter 73, Statutes of 1939), relating to the powers of the district, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1955 Filed with Secretary of State June 28, 1955]

In effect immediately

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

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

Sec. 2.5. In addition to the powers specified in Section 2, the district shall have power:

Loans to finance zone flood control, etc., projects

(1) To borrow money to finance any flood control or conservation project of any zone of the district. Any such loan

shall not exceed two percent (2%) of the total assessed value of the zone and shall be repaid in installments over a period of not to exceed twenty (20) years and shall constitute a charge against the funds of the zone in which the construction occurs. Pursuant to the power herein granted the board of supervisors may borrow money from the United States of America, or any agency or department thereof, or from the State of California or any agency or department thereof, or from any bank or banking institution authorized to transact business within the State of California or from any private corporation organized under the laws of the State of California and authorized by its articles of incorporation to lend money to public agencies for construction of public works. The power to borrow money herein authorized shall be exercised only when the following action has been taken:

1. The board of supervisors shall have declared the existence of an emergency and ordered the holding of a special election not less than 30 days from the date of the resolution declaring the existence of an emergency; and

2. The proposition of borrowing money has been ratified and authorized by a majority of the votes cast at a special election called for the purpose. A special election may be consolidated with a primary or general election. Interest on any loan herein authorized shall not exceed a rate in excess of five percent (5%) per annum payable annually. A loan made pursuant to this act shall be evidenced by written contract signed by the chairman of the board specifying the particular flood control work or projects for which the contracts shall be let. If a surplus remains after completion of said work, such surplus shall be applied to the payment of the principal and interest due under said contract. The board of supervisors shall annually levy a tax upon the taxable property of the zone or zones within which the work is performed, sufficient to pay the installments and interest on such loan as the same shall become due and payable in accordance with the terms of the contract; provided, however, that the tax levy for the payment of principal and interest on any loan shall not, together with all other charges and obligations for construction, maintenance, operation and improvements within the zone, exceed the limitations fixed by Section 7 of this act.

(2) To incur indebtedness for the purposes of the district or of any zone thereof.

(3) To issue bonds in the manner in this act provided.

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 forest fires have destroyed large areas of watershed in San Bernardino County, creating dangerous flood hazards. In order to provide adequate flood protection without undue delay it is necessary to put this act in effect immediately.

CHAPTER 1394

An act to amend Section 26220 of the Government Code, relating to the assignment of delinquent county claims and accounts to licensed collection agencies for the purpose of collection.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.] In effect September 7, 1955

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

SECTION 1. Section 26220 of the Government Code is amended to read:

26220. The board of supervisors may by a four-fifths vote of its members assign for purposes of collection under such terms and conditions as the board may prescribe any or all delinquent bills, claims and accounts, thirty (30) days after the date upon which they are due and payable to the county, and any or all money judgments taken in the name of the county, to a collection agency duly licensed by the State of California; provided, that no assignment shall be made of obligations arising out of any delinquent assessments or taxes levied by the county or any other political subdivision of the State.

CHAPTER 1395

An act to amend Sections 14262, 14265, 14276, 14310, 14331, 14337, 14441, 14443, 14473, 14479, 14480, 14490, 14563, 14601, 14631, 14632, 14633, 14635, 14639, 14640, 14680, 14681 and 14683 of; to repeal Sections 14448 and 14639.5 of; and to add Sections 14258.1, 14276.6, 14276.7, 14448, 14480.1, 14559.1, 14559.2, 14560.1, 14575.2, 14636.1, 14636.2, and 14636.3 to, the Education Code, relating to the State Teachers' Retirement System, providing for a benefit upon death after retirement, and for optional annuity deposits by members, and providing for increased allowances, with increments in allowance formula, upon service retirement above age 60.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.] In effect September 7, 1955

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

SECTION 1. Section 14262 of the Education Code is amended to read:

14262. "Annuity deposits" means contributions to the Annuity Deposit Fund as provided for. "Annuity deposits"

SEC. 1.1. Section 14265 of said code is amended to read:

14265. "Annuity" means payments for life derived from the "accumulated annuity deposits" or from the "accumulated annuity contributions" of a member and contributions "Annuity"

of the State, or both. "Annuity" also means payments for life derived from "permanent fund contributions" of a member, plus credited interest.

SEC. 1.2. Section 14258.1 is added to said code, to read:

"Serving on a part-time basis," etc

14258.1. A person is "serving on a part-time basis" or is "employed on a part-time basis" when he engages in his duties for less time than is required of persons serving on a full-time day basis, even though he is subject to call at any time, and service rendered by such person is "part-time service."

SEC. 2. Section 14276 of said code is amended to read:

"Compensation," "salary"

14276. "Compensation" and "salary" mean remuneration in cash payable by the employer.

SEC. 3. Section 14276.6 is added to said code, to read:

"Final compensation"

14276.6. "Final compensation" means the highest average annual compensation earnable by a member during any period of three consecutive years during his membership in the system. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation. Time during which a member is in state service and is also a member of another retirement system to which the State or the university contributes shall not be considered to be an absence for the purposes of this section, and the determination of the final compensation of such a member shall take into consideration his compensation earnable while he was a member of such other system.

SEC. 4. Section 14276.7 is added to said code, to read:

Compensation Exclusion of overtime

14276.7. When the compensation of a member is a factor in any computation to be made under this part there shall be excluded from such computations any compensation based on overtime put in by a member. For the purposes of this part, overtime is the aggregate service performed by an employee as a member for all employers and in all categories of employment in excess of the hours of work considered normal for employees on a full-time basis.

SEC. 5. Section 14310 of said code is amended to read:

Credit for service rendered before and after July 1, 1956

14310. Service rendered prior to July 1, 1956, shall be credited according to the provisions of this chapter which were applicable prior to such date. With respect to time served after June 30, 1956, by persons included in classifications of employees whose normal tours of duty extend throughout the school year as contrasted with the school term, the board shall

credit one year of service for 10 months or more of service rendered by persons employed on a monthly basis, and for 215 days or more of service rendered by persons employed on a per diem basis. With respect to time served after June 30, 1956, by persons included in classifications of employees whose normal tours of duty extend throughout the school term as contrasted to the school year, the board shall credit one year of service for 145 days or more of service rendered by persons employed on a per diem basis, which shall include persons whose compensation is normally paid in monthly installments and fixed by annual contract. With respect to time served after June 30, 1956, by persons included in classifications of employees whose normal tours of duty extend during any year throughout other periods, the lengths of which fall between those of the school year and school term, the board may fix the minimum numbers of months and days, as the case may be, upon the basis of which a year of service shall be credited, but the relationship of such minima to the normal time worked by persons who are not absent from duty, in such periods shall agree generally with the relationship between the normal time worked by persons who are not absent from duty, in the respective periods and minima in the two preceding sentences; provided, that no minimum shall be less than 145 days of service.

SEC. 6. Section 14331 of said code is amended to read:

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

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

(b) Retirement Annuity Fund derived from contributions of members, school districts or other employing agencies, and the State as provided in Sections 14478, 14559.1 and 14563, together with interest thereon.

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

(d) Teachers' Annuity Deposit Fund derived from members' annuity deposits, together with interest earned thereon.

The funds shall also include donations, legacies, gifts, and bequests made thereto and accepted by the Retirement Board and any appropriations made thereto by the State Legislature in addition to amounts provided in this chapter.

SEC. 7. Section 14337 of said code is amended to read:

14337. The Annuity Deposit Fund shall be used for the continued payment of annuities derived from members' deposits in the Annuity Deposit Fund to members retired prior to July 1, 1944, as provided in Section 14631, and for the repayment of deposits and payment of additional annuities as provided in this section. Annuity Deposit Fund

Upon written request therefor by any member to the Retirement Board, he shall be paid the accumulated annuity deposits based on salaries earned prior to July 1, 1944, in the Annuity Deposit Fund standing to the credit of his individual account. Such deposits so withdrawn may not thereafter be redeposited in the Annuity Deposit Fund, but if such accumulated annuity deposits were withdrawn by a member upon termination of employment, the amount so withdrawn may be redeposited in the Annuity Deposit Fund at any time within one year of the re-entry of the person into membership in the retirement system.

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

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

SEC. 7.1. Section 14441 of said code is amended to read:

Computation of service

14441. Service shall be computed by school years and not by calendar years, portions of years served being accumulated and counted as service. All of the service rendered in any one school year shall not count for more than one year. No time shall be included for which, or on the basis of which a member is entitled to receive a pension in a lump sum or installment payments, for other than naval or military service from any source other than this system or a local retirement system. If a retired member becomes entitled to such a pension, his retirement allowance shall be reduced thereafter to exclude the time upon which the pension is based, without other change in his retirement status. No time shall be included during which a member is on retirement under this system.

SEC. 8. Section 14473 of said code is amended to read:

Deductions from salaries

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

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

SEC. 9. Section 14479 of said code is amended to read:

Rates of annuity fund contributions

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 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, plus the portion of the retirement salary computed pursuant to Section 14632, on the basis of his service rendered after June 30, 1944, and for which he is not entitled to receive benefits from a local retirement system, as determined by recognized actuarial methods. The increased rates of contribution required by the increase in the annuity to be provided, shall be applied to the salary of the member for each school year after June 30, 1956. No adjustment shall be included in said increased rates for time prior to July 1, 1956.

SEC. 9.1. Section 14443 of said code is amended to read:

Night school, etc., service

14443. The member shall receive credit for time served in a night school or in the adult education program, in the proportion that such time bears to the minimum full-time service required for credit for one year of service, according to Section 14410.

SEC. 9.2. Section 14448 of said code is repealed.

Repeal

SEC. 9.3. Section 14448 is added to said code, to read:

Compensated leave of absence

14448. Except as provided in Sections 14447 and 14449, time during which a member is excused from performance of his duties, such as time limited to sick leave, holidays, vacation or sabbatical leave, whether or not he is required to perform any portion of such duties during such time, and for which he receives compensation, including disability from any insurance carrier of his employer, under the Labor Code on account of industrial injury or disease, in an amount less than the full compensation earnable by him while performing his duties when not so excused, shall be credited as service in the proportion that the compensation paid to the member bears to the full compensation which would be earnable by him while performing his duties on a full-time basis.

SEC. 10. Section 14480 of said code is amended to read:

Deductions from salary

14480. Contributions required of a person to the Retirement Annuity Fund shall be deducted from each salary payment in the manner prescribed in this article. A portion of such contributions, based on the service for which said salary payment is made, and computed at the rate of sixty dollars ($60) for each year of service for which said person is not entitled to receive benefits from a local retirement system, shall

be considered and administered as the contributions to the Permanent Fund, required by Section 14471, for service after July 1, 1944. Every person accepting employment who is required to contribute shall be deemed to consent and agree to the deduction of the annuity contributions from his salary payments.

SEC. 11. Section 14480.1 is added to said code, to read:

Annuity deposits for additional benefits

14480.1. Subject to rules prescribed by the board, any member may elect to make annuity deposits for the purpose of providing additional benefits. Annuity deposits may be (a) deducted from earned compensation, deposited in the county treasury, remitted and reported to the board, in the manner prescribed for annuity contributions or (b) reimbursed by the member directly to the retirement system. The member may cancel such election and later elect again at any time, but accumulated annuity deposits derived from such deposits made after June 30, 1955, may be withdrawn only as provided in Section 14521.

SEC. 12. Section 14490 of said code is amended to read:

Deposit

14490. The amounts received shall be deposited forthwith by the Retirement Board in the State Treasury to the credit of the Permanent Fund or the Retirement Annuity Fund, respectively, except that so much of such moneys as is derived from deductions from members' salaries, for members' contributions to the Annuity Deposit Fund shall be credited to the Annuity Deposit Fund

SEC. 12.1. Section 14559.1 is added to said code, to read:

Contribution by school district, etc

14559.1. Each school district or other employing agency shall contribute to the Retirement Annuity Fund, an amount equal to three (3) percent of the compensation paid by said district or agency, to its employees who are members of the retirement system.

SEC. 12.2. Section 14559.2 is added to said code, to read:

Remittance by school district, etc

14559.2. Within 30 days after the close of each month, each school district or other agency which employs members of the retirement system, shall remit to the said system, the contributions to the Retirement Annuity Fund, required of it by Section 14559.1, on the basis of compensation paid by it for said month. Each remittance shall be in a form acceptable to the retirement board, and shall be accompanied by a statement verified by a duly authorized official, and containing such information as the board may prescribe. The amounts received shall be deposited forthwith in the State Treasury to the credit of the Retirement Annuity Fund.

SEC. 12.3. Section 14560.1 is added to said code, to read:

Special tax levy

14560.1. The governing body of a school district shall, if necessary, levy and collect annually a special tax upon the assessable property within the agency or district in the number of cents per one hundred dollars ($100) of assessable property as will be sufficient to raise the amount estimated by the governing body to be required to provide sufficient revenue to meet the obligations of the district for contributions to the Retirement Annuity Fund under this article. This rate of taxa-

tion may be in addition to the annual rate of taxation allowed by law to be levied in that agency or district.

SEC. 12.4. Section 14563 of said code is amended to read:

State contribution Retirement Annuity Fund

14563. The State shall contribute annually to the Retirement Annuity Fund an amount, determined actuarially, equal to so much of the benefits to be paid from the Retirement Annuity Fund during that year, as is not provided by the accumulated annuity contributions of the members receiving such benefits, and by the contributions of employing agencies during that year.

SEC. 13. Section 14575.2 is added to the Education Code, to read:

Payment to beneficiary on death of retired person

14575.2. Upon receipt of due proof of the death of any person, after retirement and while receiving a retirement allowance from this system, there shall be paid to such beneficiary as he has nominated by written designation duly filed with the Retirement Board, the sum of four hundred dollars ($400), to be provided from contributions of the State. From the death benefit provided in this section, there shall be deducted an amount equal to that portion of the benefit payable on account of said death by a local system, regardless of whether before or after retirement under such local system, but which is provided from contributions of the district operating said system, independently of any optional election made by said person at the time of his retirement, under which he received a reduced retirement allowance and a benefit was provided at his death.

SEC. 14. Section 14601 of said code is amended to read:

Retirement for service

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

(a) Who is credited with at least 10 years of service, all of which have been served in this State immediately preceding retirement, and has attained the age of 55 years or more.

(b) Who is credited with service rendered in this State, and which is not used as a basis for benefits under any other public retirement system, except a local system; provided, he has retired since June 30, 1953, or retires concurrently, under the State Employees' Retirement System as a state member of that system or under the retirement system of the University of California. In the calculation of allowances of members who qualify for retirement under this subdivision, and who are not qualified for retirement under subdivision (a) of this section, there shall be excluded any service rendered in other states of the United States, its territories and possessions or in the Dominion of Canada. Application for retirement under this subdivision may be made at time, but applicants shall not otherwise be subject to the provisions of Section 14606.

SEC. 15. Section 14631 of said code is amended to read:

Persons retired prior to certain date

14631. Retirement allowances, excluding annuities under the Annuity Deposit Fund, payable for time commencing on the effective date of this section, to persons whose retirement

is effective prior thereto, shall be changed as of said date and on the basis of the ages of, and service credited to the respective persons at the effective dates of their retirement, to retirement allowances which are the sum of amounts calculated under the Permanent and Retirement Annuity Funds respectively, on the basis of current interest rate and mortality tables, and in the manner prescribed herein for the calculation of retirement allowances of members whose retirement is effective after said date, but not subject to the limit of 75 percent of average compensation earnable. Such changed 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 service rendered after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions. Contributions and interest thereon owed to the system by said persons on said effective date, shall be deducted from the respective increased allowances, in the manner prescribed in Section 14476. If the person elected at retirement to have his annuity modified under one of the options in Section 14637, and if his beneficiary is living on the effective date hereof, the increase in his annuity shall be modified under the option then elected and on the basis of current ages. This section does not authorize any decrease in any retirement allowance, nor does this section give any retired member, or his successors in interest, any claim against the State for any increase in any retirement allowance paid or payable for time prior to its effective date.

SEC. 16. Section 14632 of said code is amended to read:

Retirement allowance

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

(a) A monthly retirement salary derived from the Permanent Fund, equal to the fraction of 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, set forth in Section 14635, opposite his age at retirement, taken to the preceding completed quarter year, in the column applicable to his sex. 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 number of years of service credited to him, less any service for which he is entitled to receive re-

tirement benefits under a local retirement system, computed pursuant to Section 14635.

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

Such retirement allowance, prior to modification under options in Section 14637, and exclusive of the annuity derived from accumulated annuity deposits, 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 service rendered after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions. However, no amount shall be paid under this paragraph to any retired person who has the right to receive a retirement allowance from a local retirement system upon his subsequent attainment of a minimum age after the retired person attains that minimum age unless he affirmatively exercises his right to receive the retirement allowance from the local retirement system, and if such a retired person does so exercise his right, only if some amount is then payable under this paragraph.

SEC. 17. Section 14633 of said code is amended to read:

Same
Minimum

14633. The retirement allowance in Section 14632, exclusive of the annuity in subdivision (c) of that section, but when added to the retirement allowance, prior to optional modification, the person is entitled to receive from a local retirement system, shall be, by increase in the annuity, under the Retirement Annuity Fund at least seventy dollars ($70) per year, multiplied by the member's years of service, not to exceed forty (40); provided, the retired member is at least 60 years of age at the time of retirement. If retirement is at an age less than 60 years, the minimum retirement allowance under this section is an amount actuarially equivalent to the value at the lesser age of the minimum retirement allowance calculated under the preceding sentences, deferred to the age of 60 years. For any member who is under retirement at the effective date of this section, and thereafter re-enters membership in the retirement system and subsequently retires, the lesser age to be taken to the preceding quarter year, in the next preceding sentence, for calculating the minimum retirement allowance under this section, shall be determined by deducting from the member's age at the subsequent retirement, the aggregate time during which the member was under retirement prior to re-entry into membership in the system. No retirement allowance shall be increased under this section to exceed, annually, 75 percent of the average annual compensa-

tion earnable by the member during the three (3) years immediately preceding his retirement.

SEC. 18. Section 14635 of said code is amended to read:

Annuity allowance schedule

14635. Upon retirement for service a member shall receive an annual annuity, sufficient when added to the portion of the retirement salary computed pursuant to Section 14632, on the basis of his service for which he is not entitled to receive benefits from a local retirement system, but excluding his service for which he has not deposited contributions in the Retirement Annuity Fund following a change in membership status, pursuant to Article 14 of this chapter, to equal the fraction of one-sixtieth (1/60th) 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 his credited service not counting any service for which the member is entitled to retirement benefits from a local retirement system:

Age at retirement	Fractions	
	Men	Women
50	.5742013	.5966920
50¼	.5816292	.6038650
50½	.5890570	.6110379
50¾	.5964849	.6182108
51	.6039128	.6253838
51¼	.6118640	.6330338
51½	.6198152	.6406837
51¾	.6277664	.6483336
52	.6357176	.6559836
52¼	.6442621	.6641804
52½	.6528066	.6723773
52¾	.6613512	.6805742
53	.6698957	.6887710
53¼	.6790892	.6975458
53½	.6882826	.7063205
53¾	.6974760	.7150952
54	.7066695	.7238700
54¼	.7165790	.7333087
54½	.7264886	.7427474
54¾	.7363982	.7521860
55	.7463077	.7616247
55¼	.7570073	.7717737
55½	.7677070	.7819226
55¾	.7784066	.7920716
56	.7891062	.8022206
56¼	.8006961	.8131608
56½	.8122860	.8241010
56¾	.8238759	.8350412
57	.8354658	.8459814
57¼	.8480339	.8578131
57½	.8606020	.8696448
57¾	.8731700	.8814766

Age at retirement	Fractions	
	Men	Women
58	.8857381	.8933083
58¼	.8993968	.9061066
58½	.9130555	.9189049
58¾	.9267142	.9317032
59	.9403729	.9445015
59¼	.9552797	.9583761
59½	.9701864	.9722508
59¾	.9850932	.9861254
60	1.0000000	1.0000000
60¼	1.0144236	1.0139901
60½	1.0288472	1.0279802
60¾	1.0432707	1.0419703
61	1.0576943	1.0559604
61¼	1.0730460	1.0708336
61½	1.0883977	1.0857068
61¾	1.1037494	1.1005709
62	1.1191011	1.1154531
62¼	1.1354891	1.1313539
62½	1.1518771	1.1472546
62¾	1.1682651	1.1631554
63	1.1846531	1.1790562
63¼	1.2021800	1.1960688
63½	1.2197068	1.2130815
63¾	1.2372336	1.2300942
64	1.2547605	1.2471068
64¼	1.2735116	1.2654212
64½	1.2922627	1.2837356
64¾	1.3110138	1.3020501
65 and over	1.3297649	1.3203645

The fractions herein set forth at ages other than sixty (60) are based on the interest rate and mortality tables used under the State Teachers' Retirement System on July 1, 1955, and shall be adjusted by the board in accordance with such interest rate and mortality tables as the board may adopt under such system.

SEC. 20. Section 14636.1 is added to said code, to read:

14636.1. For the purpose of calculating retirement allowances, credit for service rendered on a part-time basis in each school year shall be based on the ratio that service rendered bears to the minimum full-time service required for credit for a year of service. Part-time service

SEC. 21. Section 14636.2 is added to said code, to read:

14636.2. For the purpose of calculating retirement benefits based on part-time service, compensation earnable shall be taken as the compensation which would have been earnable if the employment had been on a full-time basis and the member had worked full time. Same

SEC. 22. Section 14636.3 is added to said code, to read:

Same

14636.3. In determining qualification for retirement and calculating benefits payable upon death before retirement, a year of service shall be credited for each year during which the member was employed throughout the year on a part-time basis and was engaged in his duties the full amount of time he was required by his employment to be so engaged. Credit for fractional years shall be granted to the extent of the fraction derived by dividing the time during which the member was engaged in his duties within the year, by the time he was required by his employment to be so engaged.

SEC. 23. Section 14639 of said code is amended to read:

Retirement for disability

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

(a) A retirement salary derived from the Permanent Fund, payable monthly equal to ninety percent (90%) of an amount which bears the same ratio to fifty dollars ($50) as the number of years of service credited, not to exceed thirty (30) years, bears to 30 years. The retirement salary shall be subject to the deductions provided in Section 14476, if the member is not credited at the time of retirement with the total Permanent Fund contributions required of each member.

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

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

Such retirement allowance, prior to modification under options in Section 14637, and exclusive of the annuity derived from accumulated annuity deposits, shall be at least an amount, by increase in the annuity under the Retirement Annuity Fund, 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 service rendered after June 30, 1944, to which the person would be so entitled, but for which he did not make annuity contributions. However, no amount shall be paid under this paragraph to any retired person who has the right to receive a retirement allowance from a local retirement system upon his subsequent attainment of a minimum age after the retired person attains that minimum age unless he affirmatively exercises his right to receive the retirement allowance from the local retirement system, and if such a retired person does so exercise his right, only if some amount is then payable under this paragraph.

Repeal

SEC. 24. Section 14639.5 of said code is hereby repealed.

SEC. 25. Section 14640 of said code is amended to read:

Disability annuity

14640. (a) If the retiring member has attained the age of 60 years at the effective date of his retirement, the amount

of disability annuity payable under subdivision (b) of Section 14639 shall be the same as the amount of the annuity which would have been payable to him under subdivision (b) of Section 14632 if his retirement were for service instead of for disability.

(b) If the retiring member has not attained the age of 60 years at the effective date of his retirement, the amount of disability annuity payable under subdivision (b) of Section 14639 shall be:

(1) Ninety percent (90%) of the sum of the annuity payable to him under subdivision (b) of Section 14632 at the age of 60 years, on the basis of his final compensation at retirement, and service rendered up to the effective date of his retirement, or

(2) If the resulting disability retirement allowance does not exceed one-fourth of his final compensation, ninety percent (90%) of the sum of the annuity payable to him under subdivision (b) of Section 14632 at the age of 60 years, on the basis of his final compensation at retirement, and the service which would be creditable to him were his service to continue until attainment by him of age 60, but in such case, the retirement allowance shall not exceed one-fourth of such final compensation.

(c) In no event shall the disability annuity under this section be more than sufficient to make the disability retirement allowance, exclusive of any annuity provided by accumulated annuity deposits, exceed the service retirement allowance, exclusive of any annuity purchased by accumulated annuity deposits, receivable by the member should he continue until retirement at age 60.

SEC. 26. Section 14680 of said code is amended to read:

Ceasing to be member of local system

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

Unless such deposit is made within two years after the date upon which notice of the right to make such deposit is mailed by this system to the member's latest address on file in the office of this system and prior to retirement, the member shall not be entitled to benefits from the Retirement Annuity Fund

based upon service rendered after July 1, 1944, for which he has not contributed to the Retirement Annuity Fund pursuant to Section 14478, and the minimum retirement allowance applicable to such member shall be the minimum allowance calculated as if the deposit were made, and then reduced by the amount of the annuity which would have been the actuarial equivalent of such deposit. If the deposit is made, the member's rate of annuity contribution shall be based on his age at the beginning of such service after July 1, 1944, or on a lower age, as determined under this chapter, because of other credited service.

SEC. 27. Section 14681 of said code is amended to read:

Entering system with credit for prior service

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

Unless such deposit is made within two years after the date upon which notice of the right to make such deposit is mailed by this system to the member's latest address on file in the office of this system and prior to retirement, the member shall not be entitled to benefits from the Retirement Annuity Fund based upon service rendered after July 1, 1944, for which he has not contributed to the Retirement Annuity Fund pursuant to Section 14478, and the minimum retirement allowance applicable to such member shall be the minimum allowance calculated as if the deposit were made, and then reduced by the amount of the annuity which would have been the actuarial equivalent of such deposit. If the deposit is made, the member's rate of annuity contribution shall be based on his age at the beginning of such service after July 1, 1944, or on a lower age, as determined under this chapter, because of other credited service.

SEC. 28. Section 14683 of said code is amended to read:

Cessation of benefits from local system

14683. If a person who has been retired ceases to be entitled to benefits from a local retirement system, on account of which service was excluded in the calculation of such person's annuity, but who continues to be retired under this system, he shall be entitled to an annuity on account of such service, effective on the first day of the month in which he notifies the Retirement Board at its office in Sacramento. If within 90 days after said effective date, said person deposits in the Retirement Annuity Fund, an amount equal to the contributions which he would have been required to make to that fund dur-

Deposits in Retirement Annuity Fund

ing service rendered after June 30, 1944, if he had not then been a member of the local retirement system, less the portion of the annuity which would have been payable prior to said date, and an amount equal to which was not paid to the local district under Section 14565, with interest on the balance of the contributions remaining after deducting said portion as it would have been paid from month to month, from the first of the year next following the date on which such contribution would have been payable to the date the deposit is made at the current rate of interest credited to Retirement Fund contributions, the annuity shall be calculated with respect to all such service, in the same manner as if the person were retiring on said effective date. If deposit of such contributions and interest is not made, the annuity shall be calculated in said manner, but including only such service rendered prior to July 1, 1944, and the minimum retirement allowance applicable to such member shall be the minimum allowance calculated as if the deposit were made, and then reduced by the amount of the annuity which would have been the actuarial equivalent of such redeposit.

Benefits from local system

If a person after retirement becomes entitled to a benefit from a local retirement system, based on service which was included in the calculation of his annuity, the annuity shall be recalculated as the effective date of the person's retirement, excluding said service, and the reduced retirement allowance shall be effective on the day the benefit under the local system began to accrue. Annuity contributions made on account of such service, plus interest and less the annuity paid to him on account of the contributions, shall be paid to him.

Operative date

SEC. 29. This act shall become operative on July 1, 1956.

CHAPTER 1396

An act to amend Sections 4, 5, 10, 17 and 18 of, and to add Section 41 to, Chapter 1544 of the Statutes of 1951, relating to the Lake County Flood Control and Water Conservation District.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 4 of Chapter 1544 of the Statutes of 1951 is amended to read:

Objects and purposes

Sec. 4. The objects and purposes of this act are to provide for the control and impounding of the flood and storm waters of said district, the conservation of all waters within said district, and the control of 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 protect from such flood or storm waters the watercourses, watersheds, harbors, public highways, life and property in said district.

SEC. 2. Section 5 of said act is amended to read:

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.

Acquisition of 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.

Conserve waters

5. To conserve all waters within said district, and to control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and 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; 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 with Federal Government, etc

6. To cooperate and to act in conjunction with the Federal Government, the State of California, or any of their engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Lake or adjacent counties, or with any other agencies, in the construction of any work for the conservation of waters within said district, for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein.

7. To carry on technical and other investigations of all kinds, make measurements, collect data and make analyses, studies, and inspections pertaining to the conservation of water and to the control of floods 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. 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. Investigations, etc

8. 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 other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, 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. Survey, etc

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

10. 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 or assessments

11. 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. Contracts etc

12. 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 Eminent domain

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 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 provisions of this act is a public use subject to the regulation and control of the State in the manner prescribed 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 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 Lake County Flood Control and Water Conservation District or in any officer thereof, or in any person referred to in this act.

SEC. 3. Section 10 of said act is amended to read:

Employment of civil engineers, plans, reports

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 conserve the waters of said district and 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 floodwaters thereof flow into said district, 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: Report Contents

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.

SEC. 4. Section 17 of said act is amended to read:

Sec. 17. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax or assessment upon all real property within said zone, and all real 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. Taxes or assessments for bonds

SEC. 5. Section 18 of said act is amended to read:

Sec. 18. The board shall levy a tax or assessment each year upon all real 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 treas- Levy and collection

ury of said Lake 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 Lake County in the manner provided by law for the payment of principal and interest on bonds of said county.

Short title

SEC. 6. Section 41 is added to said act, to read:

Sec. 41. This act shall be known and may be cited as the "Lake County Flood Control and Water Conservation District Act."

CHAPTER 1397

An act to amend Section 7 of the San Bernardino Flood Control Act, relating to the San Bernardino County Flood Control District, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 7 of the San Bernardino County Flood Control Act is amended to read:

Taxation

Sec. 7. The board of supervisors of said district shall have power, in any year:

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

2. To levy a tax upon all taxable property in each or any of said zones, according to the benefits derived or to be derived by said respective zones, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to said respective zones, including the constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements within said respective zones.

Said taxes shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone except as provided in Section 9 hereof; and provided further, however, that the aggregate taxes levied under this act

for any one fiscal year shall not exceed thirty cents ($0.30) on each one hundred dollars ($100) of the assessed valuation of the taxable property in said zones exclusive of any tax levied to meet the bonded indebtedness of said zones and the interest thereon.

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

Recent forest fires in San Bernardino County have denuded vast areas of watershed lands in that county, placing the lives and property of the people in that area in great danger from threatened floods. This act would make available funds that are vitally necessary for the construction of flood control facilities that are presently needed to protect the area, and it is therefore necessary that this act should take effect immediately.

CHAPTER 1398

An act to amend the title of Chapter 1 of Part 4 of Division 11 of, and to add Article 4 to Chapter 1 of Part 4 of Division 11 and Article 5 to Chapter 2 of Part 4 of Division 11 of the Water Code, relating to irrigation district elections.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.] In effect September 7, 1955

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

SECTION 1. The title to Chapter 1 of Part 4 of Division 11 of the Water Code is amended to read:

CHAPTER 1. GENERAL PROVISIONS

SEC. 2. Article 4 is added to Chapter 1 of Part 4 of Division 11 of said code, to read:

Article 4. Conduct of Elections

21625. Except where inconsistent with the provisions of this division, in all district elections of whatever nature the secretary shall perform all duties of the "clerk" as that term is used in the provisions of the Elections Code pertaining to general elections. The provisions of this section shall not apply to districts containing 500,000 acres or more. Elections Secretary's duties

SEC. 3. Article 5 is added to Chapter 2 of Part 4 of Division 11 of said code, to read:

Article 5. Contests

Election of officers, Contests

21735. Elections for the offices of director, assessor, collector, or treasurer may be contested by any voter of the district as nearly as practicable in the manner provided in Chapter 2 of Division 10 of the Elections Code. The provisions of this section shall not apply to districts containing 500,000 acres or more.

Applicability

21736. For the purposes of this article all provisions in Chapter 2 of Division 10 of the Elections Code relating to the superior court of the county shall refer to the superior court of the principal county of the district. The provisions of this section shall not apply to districts containing 500,000 acres or more.

Severability

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

CHAPTER 1399

An act to add Section 413.5 to the Water Code, relating to rainmaking.

In effect September 7, 1955

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 413.5 is added to the Water Code, to read:

413.5. Notwithstanding any provision of this chapter to the contrary, upon request of the board of supervisors of a county or of the governing body of a city or a public district of the State, and upon the submission of such supporting evidence as the department may require, the department may grant a licensee permission to undertake a nucleation project for the purpose of alleviating a drought emergency, without prior compliance by the licensee with the provisions of Section 407 requiring publication of notice of intention, if such project appears to the department to be necessary or desirable. Nothing contained in this section shall be construed as to relieve the licensee in such case from compliance with the provisions of Sections 407 to 410, inclusive, requiring publication of notice of intention and filing of proof of such publication, as soon after the granting of permission by the department as is practicable.

CHAPTER 1400

An act to add Section 7.2 to the Metropolitan Water District Act, relating to metropolitan water districts.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 7.2 is added to the Metropolitan Water District Act to read:

Determination of necessity for additional facilities

Sec. 7.2. (a) Whenever the board of directors, by ordinance adopted by a vote of three-fourths of the total vote of the board, shall find and determine that the increasing demands for water to be supplied by such district require the immediate construction or installation of additional works or facilities to enable said district to meet such demands, and that the cost of constructing or installing such additional works or facilities will be too great to be paid out of the ordinary annual income and revenue of the district, but will be within the ability of the district to pay out of income derived from special taxes levied and collected pursuant to annexation proceedings concluded under Section 9 hereof, and that public interest requires the incurring of indebtedness for the purpose of providing moneys for the construction or installation of such additional works or facilities, such board of directors may authorize the incurring of such indebtedness and may authorize the issuance and sale of notes or other evidence of indebtedness for such purpose either in one block or in installments; provided, however, that all such indebtedness so incurred shall be subject to the following limitations: (1) such indebtedness so incurred outstanding at any time shall not exceed fifty (50) percent of the aggregate amount of special taxes thereafter to be levied by the district pursuant to the authority of Section 9 hereof and annexation proceedings concluded thereunder, or one (1) percent of the assessed valuation of property within the district taxable for district purposes, whichever shall be the lesser; (2) the interest payable on such indebtedness shall not exceed six (6) percent per annum payable semiannually; (3) the term of such indebtedness shall not exceed twelve (12) years; and (4) the whole amount of such indebtedness or of the respective installment thereof, depending upon whether the notes or other evidence of such indebtedness shall be issued in one block or in installments, shall be made payable in substantially equal annual parts during the term of such indebtedness or installment thereof, as the case may be. In its discretion the board of directors may provide that any note or other evidence of indebtedness issued hereunder shall be callable at the option of the district on any interest date not earlier than one year from

Incurring of indebtedness

date of issue thereof, at not to exceed 101 per centum of par value thereof, and interest accrued thereon. The denomination or denominations and the form of such notes or other evidence of indebtedness shall be determined by the board of directors. Such notes or other evidence of indebtedness shall be sold at not less than par and accrued interest at public sale after such notice as may be prescribed by the board of directors. The proceeds of any borrowing hereunder (other than accrued interest) shall be applied solely to the purpose specified in the ordinance authorizing the incurring of such indebtedness or to the retirement of the principal of the obligation issued pursuant to such ordinance. Any accrued interest received shall be applied to payment of interest on such indebtedness.

Notice of pendency of ordinance

(b) At least five (5) days prior to the meeting of the board of directors at which any ordinance authorizing the issuance of such notes or other evidence of indebtedness shall be presented for final adoption, notice of the pendency of such ordinance, together with a copy thereof, stating the time of such meeting, shall be mailed by prepaid registered mail to each director, at the address of such director of record in the office of the secretary of the district. No ordinance authorizing the issuance of such notes or other evidence of indebtedness shall be finally adopted unless such notice shall have been so mailed. Proof of such mailing shall be evidenced by affidavit of the officer or agent of the district mailing such notice.

Payment of indebtedness by taxes, revenues, etc

(c) In the discretion of the board of directors, interest and principal on such notes or other evidence of indebtedness may be made payable only from income derived from the levy and collection of special taxes levied pursuant to Section 9 hereof, and annexation proceedings concluded thereunder, and from no other funds; or, as an alternate to such payment, may be made payable primarily from such income, provided that if from any cause, the income and revenues of the district available for such purpose shall be inadequate to pay the interest or principal of any indebtedness incurred under this Section 7.2, when due, the board of directors shall, at the time of fixing the tax levy and in the manner for such tax levy provided, levy and collect annually until such indebtedness shall be paid or until there shall be a sum in the treasury of the district set apart for that purpose, sufficient to meet all sums coming due for principal and interest thereon, a tax sufficient to pay the interest on such indebtedness, or such part thereof as shall not be met from other income and revenues of the district, as such interest becomes due, and also sufficient to pay such part of the principal thereof as shall become due before the time when money will be available from the next general tax levy, or such portion thereof as shall not be met from other income and revenues of the district. The taxes herein required to be levied and collected shall be in addition to all other taxes

levied for district purposes, shall not be limited by the provisions of Section 5, subdivision (8) hereof and shall be collected at the time and in the same manner as other district taxes are collected and shall be used for no purpose other than the payment of such indebtedness and interest accruing thereon.

Refunding indebtedness

(d) Whenever the board of directors by ordinance adopted by a vote of three-fourths of the total vote of the board shall find and determine that the best interests of the district will be served by refunding any indebtedness theretofore incurred and outstanding under this Section 7.2, such board shall be authorized to refund all or part of such indebtedness, and, for that purpose, to issue and dispose of, by exchange or at public sale, notes or other evidence of indebtedness at not less than par and accrued interest; provided, that the interest rate on indebtedness incurred for the purpose of refunding any obligation shall not exceed the interest rate on the refunded indebtedness, and the maturity date or dates thereof shall be not later than the maturity date or dates of the respective refunded obligations. Otherwise any refunding notes or other evidence of indebtedness, issued hereunder, shall conform to the provisions of paragraph (a) of this Section 7.2, may be similarly callable and may in turn be refunded in accordance herewith. The proceeds of the disposition of any refunding notes or other evidence of indebtedness shall be applied solely to the retirement of the outstanding indebtedness for the refunding of which such notes or other evidence of indebtedness were issued. The aggregate indebtedness incurred under this Section 7.2 shall not be increased by any refunding transaction except as, during the interval between disposing of the refunding issue and retirement of the outstanding issue, outstanding obligations may be temporarily increased.

Actions contesting validity of indebtedness

(e) Any action or suit in equity attacking the validity of such notes or other evidence of indebtedness so authorized shall be filed within sixty (60) days after the final adoption of the ordinance authorizing such issuance. After the expiration of such 60 days any such action or suit in equity shall be barred. Any ordinance adopted pursuant to the authority of this Section 7.2 shall take effect immediately upon its adoption.

Construction

(f) This Section 7.2 is in addition to and does not supersede or affect other provisions of this act, particularly Sections 7 and 7.1 and, the provisions of said Sections 7 and 7.1 notwithstanding, indebtedness may be incurred, refunded and retired in the manner, for the purposes and subject to the limitations provided in this Section 7.2.

CHAPTER 1401

An act to amend Sections 117c, 225, and 689b of the Code of Civil Procedure, relating to service by mail.

In effect September 7, 1955

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 117c of the Code of Civil Procedure is amended to read:

Procedure re affidavit

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.

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 or certified 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 or certified letter and the return card thereon or other evidence of service of said affidavit and order.

SEC. 2. Section 225 of the Code of Civil Procedure is amended to read:

Duties of sheriff or marshal in summoning jurors

225. The sheriff, or marshal, as soon as he receives the list or lists of jurors drawn, shall summon the persons named therein to attend the court at the opening of the regular session thereof, or at such session or time as the court may order, by giving personal notice to that effect to each of them, or by leaving a written notice to that effect at his place of residence, with some person of proper age, or by mailing such notice by registered mail or certified mail, and shall return the list to the court at the opening of the regular session thereof, or at such session or time as the jurors may be ordered to attend, specifying the names of those who were summoned, and the manner in which each person was notified.

SEC. 3. Section 689b of the Code of Civil Procedure is amended to read:

Notification to legal owner

689b. (1) Where the property levied upon is a vehicle required to be registered with the Department of Motor Ve-

hicles, 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 certified mail or personal service.

Sellers etc. claim

(2) A seller or mortgagee may file with the officer levying on personal property a verified written claim, together with a copy thereof, containing a detailed statement of the sales contract or mortgage and the total amount of sums due or to accrue to him under the contract or mortgage, above set-offs, with interest to date of tender, and also stating therein his address within this State for the purpose of permitting service by mail upon him of any notice in connection with said claim. The officer making the levy may demand and exact the payment or undertaking herein provided for, notwithstanding any defect, informality or insufficiency of the verified claim delivered to him.

Demand for claimed debt

(3) Within five days after being served with such verified claim the officer levying on such property must make demand by registered mail or certified mail on the plaintiff or his attorney for the amount of the claimed debt and interest due to date of tender or the delivery to the officer of an undertaking and statement as hereinafter provided, which demand shall include the copy of such claim.

Deposit by plaintiff

(4) Within five days after receipt by the plaintiff or his attorney of such officer's demand the plaintiff shall deposit with the officer the amount of such debt and interest or deliver the undertaking and statement hereinafter provided, or the levying officer must release the property.

Tender to seller, etc

(5) Within five days after receipt by him of such deposit the officer must pay or tender same to the seller or mortgagee; provided, that should such deposit be made by check the officer shall be allowed a reasonable time for check to clear.

Sales contracts Tender accepted

(6) In the case of a sales contract, if the tender is accepted, all right, title, and interest of the seller in the property levied upon shall pass to the party to the action making the payment.

Tender refused

(7) If the tender is refused, the amount thereof shall be deposited with the county treasurer, payable to the order of the seller or mortgagee.

Sale of property

(8) Until such payment or deposit covering such claim is made, or the undertaking and statement herein provided delivered to the officer, the property cannot be sold under the levy; but when made (and also in case the seller or mortgagee fails to render his claim within 30 days after 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 retain the property, and, in the case of an execu-

tion sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee.

Retention, sale of property

(9) When an attachment or execution creditor presents to the officer, within the time allowed from the officer's demand, a verified statement that the sales contract or mortgage is void or invalid for the reasons specified therein, and delivers to the officer a good and sufficient undertaking in double the amount of the indebtedness claimed by the seller or mortgagee or double the value of the personal property as the officer may determine and require, the officer shall retain the property and in case of an execution sell it in the manner provided by law, free of all liens or claims of the seller or mortgagee.

The undertaking shall be made to the seller or mortgagee and shall indemnify him 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.

If such undertaking be given, such officer shall not be liable for damages to any such claimant for the taking, keeping, or sale of such property in accordance with the provisions of this code.

Hearing

(10) Whenever a verified claim herein 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 claimant, or any one or more such joint 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 the validity of such sales contract or chattel mortgage. Such hearing may be had and taken, and stay of execution or other order made in the same manner as on third party claims under Section 689 of this code. At the conclusion of the hearing the court shall give judgment determining the validity of the claim under the sales contract or chattel mortgage which shall be conclusive between the claimant and the plaintiff, or other person in whose favor the writ runs. The court in which the action is pending, or which issued such writ, shall have original jurisdiction in all proceedings under this section.

If the property shall have been released by the officer for want of an undertaking or payment, 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 shall still be in his hands, or if the writ shall have been returned, another writ may be issued on which the officer may take such property.

CHAPTER 1402

An act to add Article 6.6 to Chapter 3, Division 9 of, and Section 10633 to, the Health and Safety Code, relating to birth certificates.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect September 7, 1955

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

SECTION 1. Article 6.6 is added to Chapter 3, Division 9 of the Health and Safety Code, to read:

Article 6.6. Changes in Surname of Child

Changes in child's surname

10290. Whenever the parents of a minor child born in this State have their surname changed by order of a court of this State, an affidavit of that fact may be filed by the parents with the State Registrar upon a form provided for that purpose.

Affidavit

Filing

10291. The affidavit shall be filed with the original record of birth which shall remain as a part of the records of the state department.

Birth certificate

10292. Upon receipt by the State Registrar of such affidavit, a certificate of birth shall be filed bearing the surname of the minor child as shown in the affidavit.

Prior certificate

10293. This birth certificate shall supplant any birth certificate previously issued for the minor child and shall be the only birth certificate open to public inspection.

Copy to State Registrar

10294. When a new birth certificate is issued in place of the original birth certificate as provided for in this article, the State Registrar shall inform the local registrar and the county recorder whose records contain copies or abstracts of the original certificate, and the local registrar and county recorder shall forward such copies or abstracts to the State Registrar for filing with the original certificate, if it is practical for the local registrar or county recorder to do so. If it is impractical for the local registrar or county recorder to forward the copy or abstract to the State Registrar, the local registrar or county recorder shall effectually seal a cover over such record in such a manner as not to deface or destroy such record and forward a verified statement of his action to the State Registrar.

Verified statement in lieu of copy

SEC. 2. Section 10633 is added to said code, to read:

Filing fee

10633. A fee of two dollars ($2) shall be paid to the State Registrar by the applicant for the filing of a certificate of birth under Article 6.6 of Chapter 3 of this division.

CHAPTER 1403

An act to add Chapter 11, comprising Sections 21800 to 21895, inclusive, to Division 8 of, and to amend Section 20985 of, the Business and Professions Code, relating to the sale, standards, and labeling of brake fluid substances and preparations for use in the braking systems of vehicles, and to provide for the distribution and use of certain moneys in the Department of Agriculture Fund.

In effect September 7, 1955

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Chapter 11 is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 11. BRAKE FLUID

Article 1. General Provisions

"Brake fluid"

21800. "Brake fluid," as used in this chapter, means the fluid intended for use as the liquid medium through which force is transmitted in the hydraulic brake system of a vehicle operated upon the highways.

"Department"

21801. "Department," as used in this chapter, means the Department of Agriculture, acting through the Bureau of Weights and Measures.

"Person"

21802. "Person," as used in this chapter, includes individual, firm, corporation, or association.

"Sell"

21803. "Sell," in any of its variant forms, as used in this chapter, includes barter, exchange, trade, keep for sale, offer for sale, or expose for sale, in any of their variant forms.

"Labeling"

21804. "Labeling," as used in this chapter, includes all written, printed, or graphic representations, in any form whatsoever, imprinted upon or affixed to any container of brake fluid or accompanying any brake fluid.

"Container"

21805. "Container," as used in this chapter, means any receptacle in which brake fluid is immediately contained when sold, but does not mean a carton or wrapping in which a number of such receptacles are shipped or stored or a tank car or truck.

"Permit year"

21806. "Permit year," as used in this chapter, means a period of 12 months commencing January 1st and ending on the next succeeding December 31st.

Article 2. Registration

Registration of brake fluid

21820. It is unlawful to sell or distribute any brake fluid, except any brake fluid which has been registered under this chapter by another, without first applying to the department for registration of such brake fluid to be handled by the appli-

cant, and receiving from the department a written permit authorizing the sale of such brake fluid in this State during the period and under the condition stated in Section 21821 of this chapter.

Application

21821. Application for registration of each brand of brake fluid shall be made on forms to be supplied by the Department of Agriculture. Each applicant shall state the name and address of the applicant, the brand name, and shall certify that the brake fluid to be sold under such brand name conforms to the specifications established by the department for brake fluids. Upon receipt of the application the department shall issue to the applicant a permit authorizing the wholesale and retail sale and distribution of the brake fluid in this State during the permit year specified in the permit and, unless such permit shall be renewed by application to the department on or before the last day of said permit year, authorizing the sale at retail only by any retail dealer during the next succeeding permit year of such quantities of the brake fluid as were actually within this State and purchased by and in possession of such retail dealer during the preceding permit year. Each applicant shall pay a fee of one hundred dollars ($100) with each application. A permit may be renewed by application to the department accompanied by a renewal fee of fifty dollars ($50) on or before December 31st, immediately preceding the permit year for which the permit is issued. To any fee not paid when due, there shall accrue and be added a penalty of twenty-five dollars ($25).

Permit

Fees

Cancellation, etc., of permit

21822. The department may cancel, refuse to issue, or refuse to renew any permit, if it finds, after due notice and a hearing, that the brake fluid is adulterated or misbranded, or that the registrant has failed to comply with the provisions of this chapter or the rules and regulations of the department. 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 department shall have all the powers granted therein.

Article 3. Adulteration and Misbranding

Adulteration

21830. Any brake fluid is adulterated if its quality or characteristics fall below the specifications for brake fluid established by the department as minimum standards.

The department shall establish specifications for brake fluid which shall promote the public safety in the operation of automotive vehicles and may amend such specifications by regulation, after a hearing, but in no event shall the specifications for brake fluid fall below the minimum specifications established by the Society of Automotive Engineers for brake fluid, heavy duty type.

Misbranding

21831. Brake fluid shall be deemed to be misbranded if:

(a) The container does not bear on its side or top a label on which is printed the name and place of business of the manufacturer, packer, seller or distributor, the words "Brake Fluid," and, if required by regulation established by the department, the duty type classification.

(b) The container does not bear on its side or top an accurate statement of the quantity of the contents in terms of liquid measure.

(c) The labeling on the container is false or misleading in any particular.

The words and letters required by this section shall appear on the label in legible type.

Article 4. Enforcement of the Chapter

Enforcement

21880. The department, and each county sealer acting under the supervision and direction of the department, shall enforce the provisions of this chapter, and may sample, inspect, analyze, and test any brake fluid manufactured, packed, sold, or distributed within this State. The department through its agents shall have free access by all legal means during business hours to all premises, buildings, vehicles, cars, and vessels used in the manufacture, packing, storage, sale, or transportation of brake fluid, and may by legal means open any box, carton, parcel, or container of brake fluid and take therefrom samples for analysis or for evidence.

Rules and regulations of department

21881. Subject to the provisions of Chapter 4 of Part 1 of Division 3 of Title 2 of the Government Code, the department shall have authority to promulgate and enforce such rules and regulations as are necessary to carry out the provisions of this chapter.

Brands etc., list

21882. The department upon request may furnish a list of the brands and trade-marks of brake fluid registered by the department. No labeling relating to any brake fluid shall contain any statement that the brake fluid has been approved by the department, but a statement that the brake fluid has been registered by the department may be included in such labeling.

Labeling

Disposal of fees

21883. All fees collected under the provisions of this article shall be credited to the Department of Agriculture Fund.

Article 5. Penalties

Sale of unregistered fluid illegal

21890. It is unlawful to sell or distribute any brake fluid which is adulterated or misbranded, or which is not registered, or without a valid permit as required by this chapter.

Penalty

21891. Violation of any provision of this chapter is a misdemeanor.

Article 6. Miscellaneous

21895. The provisions of this chapter shall become effective January 1, 1956. Operative date

SEC. 2. Section 20985 of the Business and Professions Code is amended to read:

20985. Any moneys in the Department of Agriculture Fund derived under any of the provisions of Chapters 7, 10, and 11 of Division 8 of this code may be expended for the administration and enforcement of any or all of the provisions of said chapters, notwithstanding any other provision of law limiting the expenditure of any such moneys to the specific purposes or to the administration or enforcement of each of said chapters separately. Department of Agriculture Fund

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CHAPTER 1404

An act to add Section 13085.5 to the Education Code, relating to permanent tenure and status of school district employees.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.] In effect September 7, 1955

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

SECTION 1. Section 13085.5 is added to the Education Code, to read:

13085.5. No employee of a school district or districts, in which the average daily attendance of all said districts combined is in excess of 200,000, governed by the same governing board shall hereafter acquire permanent certificated tenure or permanent noncertificated status, or a combination of such tenure and status, for more than one full-time position. Any employee who hereafter acquires any combination of permanent certificated tenure or permanent noncertificated status or both which exceeds that for one full-time position shall have a choice which tenure or status to retain so long as that retained does not exceed one full-time position.

It is the intent of this section that an employee holding permanent certificated tenure or permanent noncertificated status for a full-time position may not have permanent tenure or status protection for any additional time in either a certificated or a noncertificated position under any such school district governed by the same governing board.

CHAPTER 1405

An act to amend Section 19143 of the Government Code, relating to crediting prior service to employee with break in service.

In effect September 7, 1955

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 19143 of the Government Code is amended to read:

19143. Notwithstanding any other provision of the law to the contrary, an employee whose continuity of employment in the state service as either an exempt or civil service employee is broken for six months or longer by reason of resignation, dismissal, or rejection during a probationary period, and who is subsequently re-employed after December 31, 1949, shall not be credited for service prior to such separation for purposes of layoff, sick leave, or vacation, nor shall he be credited with any sick leave which he had accumulated prior to his separation, except that an employee having a total of 25 or more years of service shall be allowed credit for vacation at the rate specified in Section 18050 of this code irrespective of the duration of any break in the continuity of his service. When an employee has a break in the continuity of his state employment because of layoff, suspension, leave of absence or military leave, his prior service shall be counted upon his return to state service for purposes of layoff, sick leave and vacation.

CHAPTER 1406

An act to amend Sections 10171 and 10210 of the Education Code, relating to courses in driver training and driver education.

In effect September 7, 1955

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 10171 of the Education Code is amended to read:

10171. Instruction shall be given in every elementary and secondary school in the State in the subjects of public safety and accident prevention. Special emphasis shall be devoted to the avoidance of hazards upon streets and highways.

SEC. 2. Section 10210 of said code is amended to read:

10210. The Superintendent of Public Instruction shall determine the amount of excess cost incurred by each school district during the preceding fiscal year for the establishment

and maintenance of automobile driver training for pupils enrolled in the schools of the district in accordance with such regulations as he may prescribe. "Excess cost" as employed in this section includes the total current expenditures incurred for instructing pupils in automobile driver training in special classes, including, but not limited to, automobile replacement, insurance, upkeep and maintenance of automobiles used in such training. "Special classes" as employed herein includes classes providing automobile driver training for pupils who may be excused either in small numbers from regular classes, including academic classes, physical education classes, and other approved classes, or at such time as may be determined by the governing board of the district.

CHAPTER 1407

An act to amend Section 946 of the Code of Civil Procedure, relating to stays of proceedings upon appeal.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.] In effect September 7, 1955

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

SECTION 1. Section 946 of the Code of Civil Procedure is amended to read:

946. Whenever an appeal is perfected, as provided in the preceding sections of this chapter, it stays all further proceedings in the court below upon the judgment or order appealed from, or upon the matters embraced therein, except in cases involving the custody of minor children which order shall not be stayed, and releases from levy property which has been levied upon under execution issued upon such judgment; provided, however, said property shall not be released from the levy, if the respondent excepts to the sufficiency of the sureties within five days after the giving of the undertaking staying execution until such sureties, or others, justify in the manner prescribed by law; but the court below may proceed upon any other matter embraced in the action and not affected by the order appealed from. And the court below may in its discretion, dispense with or limit the security required by this chapter, when the appellant is an executor, administrator, trustee, or other person acting in another's right. An appeal does not continue in force an attachment, unless an undertaking be executed and filed on the part of the appellant by at least two sureties, in double the amount of the debt claimed by him, that the appellant will pay all costs and damages which the respondent may sustain by reason of the attachment, in case the order of the court below be sustained; and unless, within five days after written notice of the entry of the order appealed from, such appeal be perfected.

CHAPTER 1408

An act to amend Section 1756 of the Welfare and Institutions Code, relating to persons under the control of the Department of the Youth Authority.

In effect September 7, 1955

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 1756 of the Welfare and Institutions Code is amended to read:

1756. No person under the control of the authority shall be transferred to any state hospital or institution for the mentally deficient or mentally ill, except for observation, diagnosis and such treatment as the hospital or institution finds necessary during such period, unless such person is committed to such hospital or institution in accordance with the procedure prescribed in the Welfare and Institutions Code.

CHAPTER 1409

An act to amend Section 14104 of, and to add Section 14104.5 to, the Government Code, relating to the performance of work by the Department of Public Works.

In effect September 7, 1955

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 14104 of the Government Code is amended to read:

14104. The department may employ such assistance as may be necessary for the proper discharge of its duties, and may purchase or rent any necessary supplies, instruments, tools, equipment, and conveniences.

SEC. 2. Section 14104.5 is added to said code, to read:

14104.5. Where work to be performed, which would otherwise be subject to the State Contract Act, does not lend itself to the preparation of plans and specifications to enable bids to be taken on a lump sum or unit basis, the department may perform such work by the use of rented tools or equipment, either with operators furnished or unoperated. Contracts for such rentals shall not be subject to the State Contract Act, but shall be subject to all of the provisions of Section 1365 of the Streets and Highways Code.

CHAPTER 1410

An act to amend Sections 2, 3 and 42 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951), relative to the Kings River Conservation District.

[Approved by Governor June 27, 1955 Filed with Secretary of State June 28, 1955]

In effect September 7, 1955

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

SECTION 1. Section 2 of the Kings River Conservation District Act (Chapter 931, Statutes of 1951) is amended to read:

Sec. 2. A district is hereby created to be known and designated as Kings River Conservation District, and the boundaries and territory of said district are as follows: Kings River Conservation District Creation

All that territory lying and being within the following described boundaries: Boundaries

Commencing in the middle of the Main Channel of Kings River on the east section line of Section 18, Township 13 South, Range 24 East, M. D. B. & M.; thence running southwesterly along the center of said Main Channel through Section 19 of said township to the point at which the said Main Channel divides into the West and East Channels in the southeast quarter of the northeast quarter of Section 24, Township 13 South, Range 23 East, M. D. B. & M., thence along the center of the said West Channel of Kings River to the intersection with a line 200 feet northerly of and parallel to the northerly-most parts of the diverting dam across the said West Channel of Kings River near the headgate of the Gould Canal; thence westerly across said West Channel of Kings River along said parallel line to the point of intersection of said parallel line with a line 100 feet northwesterly from and parallel with the outside foot of the northwesterly bank of the the said Gould Canal; thence parallel with said foot of bank and 100 feet distant therefrom in a general southwesterly direction through Section 25 to the intersection of the last above described line with the center of that certain public road known as Trimmer Springs Road in Section 26; thence southwesterly along the center of the said Trimmer Springs Road to the point of intersection of said center of Trimmer Springs Road with the outside foot of the north bank of the said Gould Canal; thence along said foot of bank northwesterly through said Section 26; thence southwesterly through Section 27 to the intersection with the Enterprise Canal; thence following the outside foot of the northerly or easterly bank of said Enterprise Canal, in a general northwesterly direction through Sections 27, 28, 33, 32, 31, 30, 29, 20, 19 and 18 of said township, Sections 13, 14, 15, 10, 9, 16, 17, 8 and 7 of Township 13 South, Range 22 East, M. D. B. & M., Sections 12, 1 and 2 of Township 13 South, Range 21 East, M. D. B. & M. and Sections 35, 34, 27 and 28 of Township 12 South, Range 21 East, M. D. B. & M., to the west line of Section 28 of the last named township; thence leaving foot of said bank north along section lines about five-eighths of a mile to the east quarter corner of Section

20; thence west one-half mile to the center of Section 20; thence north one-half mile to the north quarter corner of Section 20; thence west along the north line of Section 20 to the intersection with the outside foot of the northerly or easterly bank of the said Enterprise Canal; thence following said foot of bank of canal, in a general westerly direction through Sections 17 and 18 of Township 12 South, Range 21 East, M. D. B. & M. and Sections 13 and 24 of Township 12 South, Range 20 East, M. D. B. & M., to the east and west center line of Section 24 of the last named township; thence leaving said foot of bank of canal, west to the center of Section 23 of last named township; thence south one-half mile to the south quarter corner of said Section 23; thence west along section lines about one and three-eighths miles to the easterly line of Blackstone Avenue; thence southwesterly along the easterly line of Blackstone Avenue to the east and west center line of Section 28 of the last named township; thence west along half section lines to the top of the easterly bluff of the San Joaquin River; thence following down the top of said bluff in a general westerly direction through Sections 29, 32 and 31 of the last named township, Sections 36, 35, 34, 33, 32 and 31 of Township 12 South, Range 19 East, M. D. B. & M., Section 6 of Township 13 South, Range 19 East, M. D. B. & M., to the west line of said Section 6; thence north along the west line of said Section 6 to the intersection with the south bank of the San Joaquin River; thence following down the said bank, in a general westerly direction through Sections 1 and 2 of Township 13 South, Range 18 East, M. D. B. & M., Sections 35 and 34 of Township 12 South, Range 18 East, M. D. B. & M., Sections 3, 4, 9, 8 and 7 of Township 13 South, Range 18 East, M. D. B. & M., Sections 12, 1, 2, 11 and 10 of Township 13 South, Range 17 East, M. D. B. & M. to the west line of Section 10 of the last named township; thence south along section lines to the southwest corner of Section 15; thence west along section lines to the northwest corner of Section 20; thence south along section lines to the southeast corner of Section 31; thence into Township 14 South, Range 17 East, M. D. B. & M., east two miles to the northwest corner of Section 3; thence south two miles to the southwest corner of Section 10; thence east one mile to the northwest corner of Section 14; thence south one mile to the southwest corner of said Section 14; thence east one mile to the northwest corner of Section 24; thence south one mile to the southwest corner of said Section 24; thence east one mile to the northeast corner of Section 25; thence south two miles to the southeast corner of Section 36; thence east along township lines nine miles to the northwest corner of Section 3 of Township 15 South, Range 19 East, M. D. B. & M.; thence in said township south three miles to the southwest corner of Section 15; thence east one mile to the southeast corner of said Section 15; thence south one-half mile to the west quarter corner of Section 23; thence east one mile to the west quarter corner of Section 24; thence south along section lines two and one-half miles to the southwest corner of Section 36 of Township 15 South, Range

19 East, M. D. B. & M.; thence in Township 16 South, Range 19 East to the northwest corner of Section 1; thence south two miles along section lines to the southwest corner of Section 12; thence west one mile to the northwest corner of Section 14; thence south two miles along section lines to the southwest corner of Section 23; thence east two miles along section lines to the southeast corner of Section 24 of the last named township and range; thence into Township 16 South, Range 20 East, M. D. B. & M. running east along section lines two miles to the southeast corner of Section 20; thence south along section lines one mile to the southwest corner of Section 28; thence east along section lines three miles to the southeast corner of Section 26; thence north along section lines one mile to the northeast corner of said Section 26; thence east along section lines to the southeast corner of Section 24 of the last named township and range; thence into Township 16 South, Range 21 East, M. D. B. & M. east along section lines three miles to the southeast corner of Section 21; thence south along section lines one mile to the southwest corner of Section 27; thence east along section lines two miles to the southeast corner of Section 26; thence south along section lines one mile to the southwest corner of Section 36; thence east along section lines to the southeast corner of Section 36 of the last named township and range; thence into Township 17 South, Range 22 East, M. D. B. & M., east along section lines to the northwest corner of Section 4; thence along the west side of said Section 4 to the southwest corner thereof; thence along the west side of Section 9, Township 17 South, Range 22 East, M. D. B. & M., to the southwest corner thereof; thence along the westerly side of Section 16, Township 17 South, Range 22 East, M. D. B. & M., to a point on the northerly bank of Cole Slough; thence westerly along said northerly bank of Cole Slough through Sections 17 and 18 all in Township 17 South, Range 22 East, M. D. B. & M.; thence westerly along the said northerly bank of Cole Slough through Sections 13, 24 and 23, in Township 17 South, Range 21 East, M. D. B. & M., and in Section 23 to the headgate at the intake of the Liberty Canal; thence along the northerly bank of said Liberty Canal through Sections 23, 22, 15, 16, 17, 8 and 7, all in Township 17 South, Range 21 East, M. D. B. & M.; thence through Sections 12, 11, 2 and 3, all in Township 17 South, Range 20 East, M. D. B. & M.; thence through Sections 34, 33, 32 and 31 all in Township 16 South, Range 20 East, M. D. B. & M.; thence through Sections 36, 25, 26, 27, 28, 33, 32, 31 and 30, Township 16 South, Range 19 East, M. D. B. & M.; thence into Township 16 South, Range 18 East, M. D. B. & M. through Section 25 to a point on the westerly line thereof; thence northerly along said line to the southeast corner of Section 23; thence westerly one mile to the southeast corner of Section 22; thence northerly one mile to the northeast corner of said Section 22; thence westerly one mile to the southeast corner of Section 16; thence northerly one mile to the northeast corner of said Section 16; thence westerly two miles to the southeast corner of Section 7; thence

northerly one mile to the northeast corner of said Section 7; thence westerly one mile to the northwest corner of Section 7 of the last named township and range; thence into Township 16 South, Range 17 East, M. D. B. & M. to the southeast corner of Section 1; thence on a diagonal line to the northwest corner of said Section 1; thence on a diagonal line to the southwest corner of Section 2; thence north 46 deg. 28 min. east along the center line of McMullen Grade 1479 feet; thence north 22 deg 49 min. west on a line parallel to and 45 feet southwesterly of the surveyed line of Levee No. 1, 2048.44 feet to the point of beginning of a curve to the left, having a radius of 5684.61 feet; thence northwesterly along said curve 1577.51 feet to the end of said curve; thence N. 38 deg. 43 min. W. on a line tangent to the aforesaid curve 34,642.68 feet to the point of beginning of a curve to the left, having a radius of 11,414.2 feet; thence northwesterly along said curve 2347.44 feet to the end of said curve; thence N. 50 deg. 30 min. W. on a line tangent to aforesaid curve 17,956.29 feet to the point of beginning of a curve to the left having a radius of 5684.61 feet; thence westerly along said curve 5412.16 feet to the end of said curve; thence S. 74 deg. 53½ min. W. on a line tangent to aforesaid curve 5,209.13 feet to a point in the east line of the right of way of the Hanford and Summit Lake Railway; thence S. 0 deg. 18½ min. W. along said east line of said right of way 890.81 feet; thence S 31 deg. 05½ min. E. along the west line of Reclamation District No. 1606, 1323.23 feet to the point of beginning of a curve to the left, having a radius of 2864.83 feet; thence southeasterly along said curve 2050 feet to the point of beginning of a curve to the right, having a radius of 5729.61 feet; thence southeasterly along said curve 2516.66 feet to the end of said curve; thence S 46 deg. 55 min. E. on a line tangent to said curve 1477.72 feet to the point of beginning of a curve to the right, having a radius of 5729.61 feet; thence southeasterly along said curve 3146.67 feet to the end of said curve; thence S. 15 deg. 27 min. E. on a line tangent to said curve 10,360.68 feet; thence S. 15 deg. 26½ min E. 5499.37 feet to a point in the south line of Section 15, T. 15 S, R. 16 E., M. D. B. & M., distant 4482.75 feet westerly from the southeast corner thereof; thence S. 88 deg. 39½ min. W. 735.25 feet crossing Fresno Slough along said south line of Section 15 to a point on the said south line of Section 15, 216.0 feet east of the southwest corner of said Section 15; thence N. 16 deg. 40 min. W. 1390.8 feet; thence N. 16 deg. 45 min. W 1391.6 feet; thence N 15 deg. 43 min. W. 701 4 feet; thence N 15 deg. 21 min. E. 136.0 feet; thence N. 16 deg. 30 min. W. 814.0 feet; thence N. 17 deg. 03 min. W. 1123.5 feet, to a point on the North line of Section 16, T. 15 S, R. 16 E., M. D. B. & M., 1356.9 feet east of the one-quarter corner on the north side of Section 16; thence N. 15 deg. 32 min. W. 1381.0 feet; thence N. 16 deg. 20 min. W. 1386.0 feet; thence N. 15 deg. 58 min. W. 792 0 feet; thence N. 16 deg. 45 min. W. 593 0 feet; thence N. 20 deg. 36 min. W. 1421.0 feet, to a point on the north line of Section 9, T. 15 S, R. 16 E., M. D. B. & M., 2350.2 feet, East of the N. W.

corner of Section 9; thence N. 16 deg. 39 min. W. 1442.6 feet; thence N. 24 deg. 57 min. W. 506.8 feet; thence N. 33 deg. 15 min. W. 174.4 feet; thence N. 53 deg. 20 min. W. 831.3 feet; thence N. 19 deg. 05 min. W. 253.5 feet; thence N. 20 deg. 25 min. W. 951.2 feet; thence N. 56 deg. 55 min. W. 538.2 feet; thence N. 47 deg. 55 min. W. 607 8 feet; thence N. 40 deg. 40 min. E. 1690.0 feet; thence N. 19 deg. 00 min. W. 600.0 feet; thence S. 71 deg. 00 min. W. 150.00 feet; thence S. 19 deg. 00 min. W. 514.6 feet; thence S. 40 deg. 40 min. W. 1604.0 feet; thence N. 46 deg. 51 min. W. 1341 6 feet, to a point on the North line of Section 5, T. 15 S., R. 16 E., M. D. B. & M., 1192.6 feet east of the one-quarter corner on the north side of said Section 5; thence West 48.3 feet; thence N. 54 deg. 17 min. W. 1339.1 feet; thence N. 54 deg. 22 min. W. 436.4 feet; thence N. 65 deg. 14 min. W. 584.3 feet; thence N. 82 deg. 04 min. W. 150.1 feet; thence N. 51 deg. 05 min. W. 761.6 feet; thence N. 63 deg. 57 min. W. 58.2 feet; thence N. 44 deg. 16 min. E 47.4 feet; thence N. 75 deg. 00 min. E. 275.0 feet; thence N. 19 deg. 41 min. W. 456.5 feet; thence N. 6 deg. 11 min. E. 619.4 feet; thence N. 78 deg. 03 min. W. 359.5 feet; thence S. 16 deg. 40 min. W. 322.1 feet; thence S. 81 deg. 05 min. W. 216.4 feet; thence N. 75 deg. 35 min. W. 567.0 feet; thence N. 77 deg. 25 min. W. 346.4 feet; thence S. 72 deg. 07 min. W. 183.9 feet; thence S. 56 deg. 32 min. W. 280.0 feet; thence N. 79 deg. 09 min. W. 792.4 feet; thence N. 64 deg. 26 min. W. 1356 9 feet; thence N. 54 deg. 25 min. W. 487.8 feet; thence S. 82 deg. 19 min. W. 215.4 feet; thence N. 46 deg. 27 min. W. 265.7 feet; thence N. 5 deg. 29 min. W. 109.7 feet; thence N. 5 deg. 35 min. W. 1556.0 feet; thence N. 20 deg. 17 min. W. 183.7 feet; thence N. 55 deg. 34 min. W. 160.2 feet; thence S. 79 deg. 27 min. W. 199.2 feet; thence S. 69 deg. 25 min. W. 1504.0 feet; thence S. 69 deg. 37 min. W. 1843.8 feet; thence S. 40 deg. 24 min. W. 133.0 feet; thence S. 25 deg. 35 min. W. 516.8 feet; thence S. 22 deg. 47 min. W. 655 2 feet; thence S. 10 deg. 29 min. W. 471 0 feet; thence S. 14 deg. 54 min. W. 403.0 feet; thence West 165.6 feet to the center of Section 36, T. 14 S., R. 15 E., M. D. B. & M.; thence west along the north side of the southwest one-quarter of said section 36 to the one-quarter corner on the west side of Section 36; thence south along the west side of Section 36, 2642.0 feet to the southwest corner of Section 36; thence west 132.7 feet; thence south 21 deg. 48 min. west 1377.6 feet; thence south 21 deg. 06 min. west 779.6 feet; thence south 3 deg. 51 min. east 668.4 feet; thence south 2 deg. 42 min. west 1370.6 feet; thence south 0 deg. 48 min. west 1321.5 feet; thence south 13 deg. 55 min. west 1340.5 feet; thence south 13 deg. 40 min. West 1351.2 feet; thence south 14 deg. 07 min. west 1356.9 feet; thence south 12 deg. 50 min. west 354.0 feet; thence south 21 deg. 15 min. east 564.8 feet; thence south 34 deg. 00 min. east 563 7 feet to a point on the south line of Section 11, Township 15 South, Range 15 East, M. D. B. & M., 1544.6 feet west of the southeast corner of said Section 11; thence south 46 deg. 55 min. east 2114.8 feet to a point on the east line of Section 14, Township 15 South, Range

15 East, M. D. B. & M., 1444.5 feet south of the northeast corner of said Section 14; thence south along the west line of Section 13, Township 15 South, Range 15 East, M. D. B. & M., 3856.3 feet to the southwest corner of said Section 13, thence east 3951.9 feet to the northwest corner of the east one-half of the northeast ¼ of Section 24, Township 15 South, Range 15 East, M. D. B. & M.; thence south 26 deg. 35 min. east 2968.8 feet to the ¼ corner on the east side of Section 24, Township 15 South, Range 15 East, M. D. B. & M.; thence south along the west line of the southwest ¼ of Section 19, Township 15 South, Range 16 East, M. D. B. & M., 2660.6 feet to the southwest corner of said Section 19; thence south 45 deg. 00 min. east 7536.0 feet to the southeast corner of Section 30, Township 15 South, Range 16 East, M. D. B. & M., said corner being also the northwest corner of Section 32 of the last named township; thence south 0 deg. 46½ min. west along the west line of said Section 32, 5343.62 feet to the southwest corner thereof; thence south 89 deg. 41 min. east along the south line of said Section 32, 5275.6 feet to the southeast corner thereof; thence south 89 deg. 38 min. east along the south line of Section 33, Township 15 South, Range 16 East, M. D. B. & M., 5276.9 feet to the southeast corner thereof; thence south 0 deg. 26½ min. west along the west line of Section 3, Township 16 South, Range 16 East, M. D B & M, 2407 feet; thence north 88 deg. 29 min. 45 sec. east 2722.08 feet; thence south 0 deg. 26½ min. west 2632.1 feet to the south quarter corner of said Section 3; thence north 88 deg. 57 min. east 2721.65 feet to the southeast corner thereof; thence north 88 deg. 57½ min. east 5541.1 feet along the south line of Section 2, Township 16 South, Range 16 East, M. D. B. & M., to the southeast corner thereof; thence north 88 deg. 57½ min. east along the south line of Section 1, Township 16 South, Range 16 East, M. D. B. & M., 2770.68 feet to the south quarter corner thereof; thence south 0 deg. 6½ min. west along the west line of the north half of the northeast quarter of Section 12, Township 16 South, Range 16 East, M. D. B & M, 1319.88 feet; thence north 88 deg. 54½ min east along the south line of said north half of the northeast ¼, 2753.48 feet to a point in the east line of said Section 12; thence south 0 deg. 46½ min. west 3955 93 feet to the southeast corner of said Section 12; thence north 89 deg. 54½ min. east along the southerly line of Section 7, Township 16 South, Range 17 East, 2651.07 feet more or less, to the southerly quarter corner of said section; thence northerly along the east line of the southwest quarter of said section to the center of said section; thence easterly along the south line of the northeasterly quarter of said section to the intersection of said line with the official swamp and overflow survey line, said point of intersection being south 89 deg. 52 min. west 1997.45 feet, more or less, from the east quarter corner of said section, measured along the south line of the northeast quarter of said section; thence continuing along said official swamp and overflow survey line south 39 deg. 43 min. east 488.11 feet; thence south 34 deg. 43 min. east, 1311.78 feet; thence south 77 deg. 53 min. east

938.35 feet to a point in the east line of said Section 7; thence continuing along said official swamp and overflow line south 27 deg. 30 min. east 762.3 feet; thence south 58 deg. east 594 feet to the south line of Section 8, in Township 16 South, Range 17 East, M. D. B. & M.; thence west along the south line of said Section 8 to the southwest corner of said Section 8; thence south one mile to the southwest corner of Section 17; thence east one mile to the southeast corner of said Section 17; thence south one mile to the southwest corner of Section 21; thence east one mile to the southeast corner of said Section 21; thence south two miles to the southwest corner of Section 34 of the last named township; thence into Township 17 South, Range 17 East, M. D. B. & M. west to the northwest corner of Section 3; thence south along section lines to the west ¼ corner of Section 10; thence east along the north line of the south ½ of Section 10 to the east ¼ corner of said Section 10; thence south along the section line to the southwest corner of Section 11; thence east along the section line to the southeast corner of said Section 11; thence south along the section line to the west ¼ corner of Section 13; thence east along the north line of the southwest ¼ of said Section 13 to the center of said Section 13; thence south along the east line of the southwest ¼ of said Section 13 to the south ¼ corner of said Section 13; thence east along the section line to the southeast corner of said Section 13; thence in Township 17 South, Range 18 East, M. D. B. & M., east along the section line to the southwest corner of Section 17; thence south along the section line to the west ¼ corner of Section 20; thence along the north line of the southwest ¼ of Section 20 to the center of said Section 20; thence south along the east line of the southwest ¼ of Section 20 to the south ¼ corner of said Section 20; thence east along the section line to the southeast corner of Section 20; thence south along the section line to the west ¼ corner of Section 28; thence east along the north line of the southwest ¼ of Section 28 to the center of said Section 28; thence south along the east line of the southwest ¼ of Section 28 to the south ¼ corner of said Section 28; thence east along section lines to the north ¼ corner of Section 34; thence south along the west line of the northeast ¼ of Section 34 to the center of said Section 34; thence east along the south line of the northeast ¼ of Section 34 to the east ¼ corner of said Section 34; thence south along the section line to the southwest corner of the north ½ of the southwest ¼ of Section 35; thence east along the south line of the north ½ of the southwest ¼ of Section 35 to the southeast corner of the north ½ of the southwest ¼ of said Section 35; thence south along the east line of the south ½ of the southwest ¼ of Section 35 to the south ¼ corner of Section 35, Township 17 South, Range 18 East, M. D. B. & M.; thence into Township 18 South, Range 18 East, M. D. B. & M. to the north ¼ corner of Section 2; thence south along the west line of the east half of said Section 2 to the south ¼ corner of said Section 2; thence east along section lines to the southeast corner of Section 1; thence into Township 18 South, Range 19 East, M. D.

B. & M. to the southwest corner of Section 6; thence south along the section line to the southwest corner of Section 7; thence east along the section line to the southeast corner of said Section 7; thence south along the section line to the southwest corner of Section 17; thence east along the section line to the southeast corner of said Section 17; thence south along the section line to the southwest corner of Section 21; thence east along the south section line of Section 21 to the point of intersection of said section line and the Government Swamp and Overflow Meander Line; thence southeasterly along the Government Swamp and Overflow Meander Line through Section 28 to the intersection of said meander line and the east section line of said Section 28; thence south along section lines for approximately one and three-fourths miles to the southwest corner of Section 34, Township 18 South, Range 19 East, M. D. B. & M.; thence in Township 19 South, Range 19 East, M. D. B. & M. to the northwest corner of Section 3; thence south along the section line to the southwest corner of Section 3; thence east along the south line of said Section 3, one mile to the southeast corner of said Section 3; thence easterly three-quarters of a mile along the south line of Section 2 of the last named township and range, to the southwest corner of the southeast one-quarter of the southeast one-quarter of said Section 2; thence southerly one-half mile to the southwest corner of the southeast quarter of the northeast quarter of Section 11; thence southerly along the west line of the east $\frac{1}{2}$ of the southeast $\frac{1}{4}$ of said Section 11, also being the west line of Lot 5 of said Section 11, to the Southern Pacific Company Railroad line; thence southeasterly along the westerly line of said Lot 5 of said Section 11 to the southeast corner of said Section 11; thence south $2\frac{1}{2}$ miles along the west lines of Sections 13, 24 and 25, Township 19 South, Range 19 East, M. D. B. & M., to the west $\frac{1}{4}$ corner of said Section 25; thence east 2056 feet along the east-west center line of said Section 25 to a point along the west bank of South Fork of Kings River; thence south 252 feet along said west bank of said South Fork of Kings River to a point which is the junction of the said west bank of South Fork of Kings River and the westerly bank of the Empire West Side Irrigation District's Upper Ditch; thence south 47 degrees and 39 minutes west 2734 feet along the westerly bank of said Empire West Side Irrigation District's Upper Ditch to a point on the west line of said Section 25, which point is 548 feet north of the southwest corner of said Section 25; thence south 47 deg. 39 min. west 320 feet along said westerly bank of said Upper Ditch, in Section 26, Township 19 South, Range 19 East, M. D. B. & M.; thence south 8 deg. 29 min. west 1990.6 feet in Section 26 and 35 of the last named township and range; thence south 18 deg. 40 min. east 1250 feet along the said westerly bank of said Upper Ditch in Section 35, Township 19 South, Range 19 East, M. D. B. & M., to a point; thence south from this point 59 deg. 13 min. east 142 feet along said westerly bank of Upper Ditch to a point which point lies on the east

line of said Section 35 and being 224 feet south of the east ¼ corner of said Section 35; thence southerly 2403 feet along the east line of said Section 35 to the southeast corner of said Section 35, also being along the said westerly bank of Upper Ditch; thence southerly 10,723.7 feet along the west lines of Section 1 and 12, Township 20 South, Range 19 East, M. D. B. & M., also along the west bank of said Upper Ditch to the southwest corner of said Section 12; thence westerly 700 feet along the north line of Section 14, last named township and range, to a point on the said westerly bank of Upper Ditch; thence southerly 2680.9 feet along said westerly bank of Upper Ditch; thence easterly 700 feet to the east ¼ corner of said Section 14; thence southerly 6702.2 feet along the west lines of Sections 13 and 24 to the southwest corner of the northwest quarter of the southwest quarter of Section 24, last named township and range; thence easterly 1322.8 feet to the southeast corner of the northwest quarter of the southwest quarter of said Section 24; thence southerly 670.3 feet to the southwest corner of the northwest quarter of the southeast quarter of the southwest quarter of said Section 24; thence easterly 1322.8 feet to the southeast corner of the northeast quarter of the southeast quarter of the southwest quarter of said Section 24; thence southerly 670.3 feet to the south quarter corner of said Section 24; thence southerly 207 feet along the westerly bank of the Upper Ditch of the Empire West Side Irrigation District in Section 25, last named township and range; thence south 34 deg. 10 min. west 284 feet along said westerly bank of Upper Ditch; thence south 45 deg. 20 min. west 3400 feet along said westerly bank of Upper Ditch to the west quarter corner of said Section 25; thence easterly 982 feet to a point on the westerly bank of Ditch of Empire West Side Irrigation District; thence south 48 deg. 30 min. west 2770 feet along said westerly bank of Ditch through portions of Sections 25 and 26, Township 20 South, Range 19 East, M. D. B. & M.; thence south 36 deg. 30 min. west 2700 feet through portions of Sections 26 and 35 along said westerly bank of Ditch; thence southerly 1340.4 feet to center of said Section 35; thence westerly 1320 feet to the northwest corner of the northeast quarter of the southwest quarter of Section 35, Township 20 South, Range 19 East, M. D. B. & M.; thence southerly 2681 feet to the southwest corner of the southeast quarter of the southwest quarter of said Section 35, also being the southwest corner of Lot 9 of said Section 35; thence easterly along the south line of said Section 35 to the intersection of said line with the northwesterly bank of the West Side Canal, said point of intersection also being a point on the north line of Section 1, Township 21 South, Range 19 East, M. D. B. & M. where said line intersects the northwesterly bank of said West Side Canal; thence southwesterly following the meanderings of said bank of said canal to its intersection with the northern line of Section 15, same township and range; thence westerly along said line of said Section 15 to the north quarter corner of Section 15 in said Township 21 South, Range 19 East; thence southerly ½ mile to the center

of said Section 15; thence westerly ¼ of a mile to the northwest corner of the east half of the southwest quarter of said Section 15; thence southerly ½ of a mile to the southwest corner of the east half of the southwest quarter of said Section 15; thence westerly along the southern line of said Section 15 and along the southern line of Section 16, same township and range, to the south quarter corner of said Section 16, last said quarter corner being a point on the meander line of Tulare Lake as established by the United States Surveyor General of California in the year 1855; thence along said meander line S. 31 deg. 10 min. W. 77.10 chains, S. 35 deg. 45 min. W. 17.12 chains, S. 39 deg. 30 min. W. 72.00 chains, S. 9 deg. 30 min. W. 25.00 chains, S. 44 deg. 35 min. W. 28.30 chains and S. 28 deg. W. 68.15 chains to a point on the southern line of Section 31 of said Township 21 South, Range 19 E., M. D. B. & M., last said point being distant S. 89 deg. 26 min. E. 48.00 chains from the southwest corner of said Section 31; thence, leaving said meander line, and along the line between Township 21 South, Range 19 East, and Township 22 South, Range 19 E., M. D. B. & M., north 89 deg. 26 min. W. 8.06 chains to the north quarter corner of Section 6 of said Township 22 South, Range 19 East, M. D. B. & M.; thence southerly along the line dividing the east half and the west half of said Section 6 and along the line dividing the east one-half and the west one-half of Section 7, last said township and range, 2 miles, more or less, to the south quarter corner of said Section 7; thence easterly along the southern line of said Section 7 one-half of a mile, more or less, to the northwest corner of Section 17, last said township and range; thence southerly three-eighths of a mile to the southwest corner of the north one-half of the south one-half of the northwest one-quarter of said Section 17; thence easterly one-half of a mile to the southeast corner of the north one-half of the south one-half of the northwest quarter of said Section 17; thence southerly five-eighths of a mile to the south quarter corner of said Section 17; thence easterly ¼ mile to the northwest corner of the northeast quarter of the northeast quarter of Section 20, last said township and range; thence southerly three-quarters of a mile to the southwest corner of the northeast one-quarter of the southeast one-quarter of said Section 20; thence easterly one-quarter of a mile to the southeast corner of the northeast one-quarter of the southeast one-quarter of said Section 20; thence southerly one-quarter of a mile to the northwest corner of Section 28, last said township and range; thence east one-half of a mile to the north one-quarter corner of said Section 28; thence southerly one mile to the south one-quarter corner of said Section 28; thence east one-half of a mile to the northwest corner of Section 34, last said township and range; thence southerly along the western line of last said Section 34 and continuing along the western line of Section 3, Township 23 South, Range 19 East, M. D. B. & M., 1½ miles, more or less, to the west quarter corner of last said Section 3; thence easterly one-quarter of a mile to the northwest corner of the northeast quarter of the southwest quarter

of last said Section 3; thence southerly one-quarter of a mile to the southwest corner of the northeast one-quarter of the southwest one-quarter of last said Section 3; thence easterly three-quarters of a mile to the northeast corner of the southeast one-quarter of the southeast one-quarter of last said Section 3; thence southerly one-quarter of a mile to the southeast corner of last said Section 3; thence easterly along the southern line of Sections 2 and 1, last said township and range, 2 miles, more or less, to the northwest corner of Section 7, Township 23 South, Range 20 East, M. D. B. & M., thence southerly one-half of a mile to the west quarter corner of last said Section 7; thence easterly one-half of a mile, more or less, to the center of last said Section 7; thence southerly one-quarter of a mile to the southwest corner of the northwest one-quarter of the southeast one-quarter of last said Section 7; thence easterly one mile to the northwest corner of the southwest one-quarter of the southeast one-quarter of Section 8, last said township and range; thence southerly one-quarter of a mile to the south quarter corner of last said Section 8; thence easterly along the southern lines of Sections 8, 9, 10, and 11, last said township and range, 3½ miles, more or less, to the northwest corner of Section 13, Township 23 South, Range 20 East, M. D. B. & M.; thence southerly along the western lines of Sections 13, 24, 25, and 36, last said township and range, 4 miles to the southwest corner of last said Section 36; thence easterly one mile to the northwest corner of Section 6, Township 24 South, Range 21 East, M. D. B & M.; thence southerly one mile to the southwest corner of last said Section 6; thence easterly 85.81 chains, more or less, to the northwest corner of Section 8, last said township and range; thence southerly three-quarters of a mile to the southwest corner of the northwest one-quarter of the southwest one-quarter of last said Section 8; thence easterly along the southern lines of the north half of the south half of Sections 8, 9, and 10, last said township and range, 3 miles, more or less, to the southeast corner of the northeast quarter of the southeast quarter of last said Section 10; thence northerly three-quarters of a mile to the southwest corner of Section 2, last said township and range; thence easterly along the southern lines of Sections 2 and 1, last said township and range, 2 miles, more or less, to the southeast corner of last said Section 1; thence southerly one-half of a mile to the east one-quarter corner of Section 12, last township and range; thence easterly along the east and west center lines of Sections 7 and 8, Township 24 South, Range 22 East, M. D. B. & M.; one and one-half miles more or less to the center of last said Section 8; thence northerly one-half of a mile to the south quarter corner of Section 5, last said township and range; thence easterly along the southern lines of 5, 4 and 3, last said township and range, two and one-half miles more or less to the southwest corner of Section 2, Township 24 South, Range 22 East, M. D. B. & M.; thence east, along the southern line of last said Section 2, 11.94 chains to its intersection with the meander line of Tulare Lake as surveyed in 1880 and shown on the town-

ship plat of last said township approved by the United States Surveyor General of California on February 9th, 1881; thence along last said meander line north 55 degrees E. 55.00 chains, north 60 degrees E. 15.00 chains; north 56 degrees 30 minutes E. 31.62 chains and north 56 degrees 30 minutes E. 61.86 chains to a point on the north line of Section 1, Township 24 South, Range 22 East, M. D. B. & M., distance thereon west 29 00 chains from the northeast corner of last said Section 1; thence northeasterly along the meander or shore line in 1880 of Tulare Lake through Section 36, Township 23 South, Range 22 East, M. D. B. & M., to a point on the western line of Section 31, Township 23 South, Range 23 East, M. D. B. & M., distant thereon north 21.00 chains from the southwest corner of last said Section 31; thence continuing along the meander or shore line of Tulare Lake as surveyed in 1880 and shown on the township plat of last said township approved by the United States Surveyor General of California on February 9, 1881, the following courses and distances: North 52 degrees E. 50.00 chains, N. 56 degrees E. 17.00 chains, N. 52 degrees, E. 30.20 chains, N. 52 degrees 30 minutes E. 11.40 chains, N. 43 degrees E. 23.00 chains, N. 44 degrees E. 35.00 chains, N. 49 degrees E. 45.06 chains, N. 45 degrees E. 5.65 chains, N. 41 degrees E. 52.00 chains, N. 35 degrees, E. 10.00 chains, N. 38 degrees E. 36.24 chains, N. 22 degrees E. 22.00 chains, N. 26 degrees E 8.00 chains, N. 23 degrees E. 16.10 chains and N. 15 degrees 30 minutes E. 40.00 chains to a point on the north line of Section 15, Township 23 South, Range 23 East, M. D. B. & M., distant thereon west 68 00 chains from the northeast corner of said Section 15; thence leaving last said meander line, and along the northern lines of Sections 15, 16, last said township and range westerly 91.78 chains to the southeast corner of Section 8, last said township and range; thence northerly one-half mile to the east quarter corner of said Section 8; thence westerly one mile to the west quarter corner of said Section 8; thence southerly one-half mile to the southwest corner of said Section 8; thence westerly 86.17 chains to the northwest corner of Section 18, last said township and range, said corner of said Section 18 being also the southeast corner of Section 12, Township 23 South, Range 22 East, M. D. B. & M.; thence north one mile to the northeast corner of Section 12, last named township and range; thence north along range line 12 miles to the northeast corner of Section 12, Township 21 South, Range 22 East, M. D. B. & M.; thence west two and one-half miles along section lines to the south one-quarter corner of Section 3, last named township and range; thence northerly one-half mile to the center of said Section 3; thence westerly one-half mile to the west one-quarter corner of said Section 3; thence north one-half mile to the northwest corner of said Section 3, thence east 3 miles along township line to the northeast corner of Section 1, Township 21 South, Range 22 East, M. D. B. & M.; thence east 383 feet along said township correction line to a point on the south line of Section 36, Township 20 South, Range 22 East, M. D. B. & M. which point is also

on center line of Lakelands Canal and Irrigation Company Canal; thence N. 21 deg. 45 min. W. a distance of 6388 feet along center line of said canal; thence N. 62 deg. 45 min. W. a distance of 711 feet along center line of said canal to a point on the west line of Section 25 last named township and range, said point being 1278 feet north of the southwest corner of said Section 25; thence north on section line to the west one-quarter corner of said Section 25; thence east to the southeast corner of the southwest one-quarter of the northwest one-quarter of said Section 25; thence north to the southeast corner of the northwest one-quarter of the northwest one-quarter of said Section 25; thence east to the southeast corner of the northeast one-quarter of the northwest one-quarter of said Section 25; thence north to the north one-quarter corner of said Section 25; thence east to the northeast corner of said Section 25; thence north along range line to the northeast corner of southeast one-quarter of the southeast one-quarter of Section 12, Township 20 South, Range 22 East; thence west to the northwest corner of the southeast one-quarter of the southwest one-quarter of said Section 12; thence south to the southwest corner of the southeast one-quarter of the southwest one-quarter of said Section 12; thence west along the section lines to the northeast corner of Section 16, Township 20 South, Range 22 East, M. D. B. & M.; thence west three miles along the north line of Sections 16, 17 and 18 to the northwest corner of Section 18 last named township and range; thence west one-half mile along section line to the south one-quarter corner of Section 12, Township 20 South, Range 21 East; thence northerly along the north-south center line of last named Section 12 to the north one-quarter corner of said Section 12; thence west one and one-half miles along section lines to the northwest corner of Section 11 last named township and range; thence northerly one mile along section line to the northwest corner of Section 2 last named township and range; thence northerly three miles along the west lines of Sections 35, 26 and 23, Township 19 South, Range 21 East, M. D. B. & M. to the northwest corner of Section 23; thence east one mile along section line to the northeast corner of said Section 23; thence northerly one mile along section line to the northwest corner of Section 13 last named township and range; thence east one mile along section line to the northeast corner of said Section 13; thence east four miles along section lines to the northeast corner of Section 15, Township 19 South, Range 22 East, M. D. B. & M.; thence north one mile along section line to the northwest corner of Section 11 last named township and range; thence east one mile along section line to the southeast corner of Section 2 last named township and range; thence north one mile to the northeast corner of said Section 2; thence north two miles along section lines to the northwest corner of Section 25, Township 18 South, Range 22 East, M. D. B. & M.; thence one-half mile east along section line to the south one-quarter corner of Section 24, last named township and range; thence north one mile along north-south center line of Section 24 last named township and range to

the north one-quarter corner of said Section 24; thence west one-half mile along section line to the northwest corner of said Section 24; thence north two miles along section lines to the northwest corner of Section 12 last named township and range; thence northerly along the west line of Section 1, Township 18 South, Range 22 East, M. D. B. & M., to the point of intersection of the said west line with the north bank of the slough used as part of the ditch known as the Settlers Ditch; thence running upstream along the north bank of said slough and said Settlers Ditch through Sections 6 and 5, Township 18 South, Range 23 East, M. D. B. & M., Sections 33, 34, 27, 26, and 25, Township 17 South, Range 23 East, M. D. B. & M., Sections 30 and 19, Township 17 South, Range 24 East, M. D. B. & M., to the most easterly intersection of the north bank of the said slough and the south line of said Section 19 in the southeast quarter of said Section 19; thence east to the southeast corner of said Section 19; thence north to the east quarter corner of said Section 19; thence east along east and west center section lines through Sections 20 and 21 to the west quarter corner of Section 22; thence southeasterly along the meander line between swamp land and high land to a point on the east section line of said Section 22 a distance of twenty-seven chains and 50 links north of the southeast corner of said Section 22; thence south to the southeast corner of said Section 22; thence east along the south section lines of Sections 23 and 24 of the last named township; thence east along the south section lines of Sections 19, 20, and 21, Township 17 South, Range 25 East, M. D. B. & M., to the south quarter corner of said Section 21; thence north along north and south center section lines through Sections 21, 16, and 9 to the north quarter corner of said Section 9; thence east along the south section lines of Sections 4, 3, 2, and 1 to the south quarter corner of said Section 1; thence north along the north and south center section line to the north quarter corner of said Section 1; thence west to the southeast corner of Section 35, Township 16 South, Range 25 East, M. D. B. & M.; thence north along the east line of said Section 35 to the point of intersection of the said east line of Section 35 and the east bank of the Sontag Ditch as originally constructed, said Sontag Ditch being the continuance of the East Branch of the Alta Main Canal; thence northwesterly along said east bank of said Sontag Ditch as was originally constructed to a point where the Sontag Ditch is known as the East Branch of Alta Main Canal; thence continuing northwesterly along the east bank of said East Branch of Alta Main Canal as originally constructed to the point where the said East Branch of Alta Main Canal intersects the Alta Main Canal; thence continuing northwesterly along the east bank of the Alta Main Canal to the main headgate of Alta Main Canal located in Section 2, Township 14 South, Range 23 East, M. D. B. & M.; thence upstream along the east bank of said Alta Main Canal formerly known as 76 canal, sometimes also known as the Back Channel of Kings River, in a northeasterly direction to a point where the south bank of said Alta Main Canal

intersects the south bank of Kings River; thence upstream along the south bank of said Kings River to a point where said south bank intersects the section line between Sections 17 and 18 in Township 13 South, Range 24 East, M. D. B. & M.; thence north along said section line to the point of beginning.

Also beginning at a point on the east bank of La Hacienda spillway in Section 13, Township 24 South, Range 21 East, M. D. B. & M., said point being one-half mile south of the north line of said Section 13, and running thence northeasterly in a direct line to the northwest corner of the southwest quarter of the northwest quarter of Section 18, Township 24 South, Range 22 East, M. D. B. & M., thence easterly one and three-quarters miles, more or less, to the northeast corner of the southwest quarter of the northeast quarter of Section 17, last said township and range; thence southerly one-quarter of a mile to the southeast corner of the southwest quarter of the northeast quarter of said Section 17; thence easterly one-half of a mile to the southwest corner of the southeast quarter of the northwest quarter of Section 16, last said township and range; thence northerly one-half of a mile to the northwest corner of the northeast quarter of the northwest quarter of said Section 16; thence easterly three-quarters of a mile to the southwest corner of Section 10, last said township and range; thence northerly one-quarter of a mile to the northwest corner of the south half of the southwest quarter of said Section 10; thence easterly one-half of a mile to the northeast corner of the south one-half of the southwest quarter of said Section 10; thence southerly one-eighth of a mile to the southeast corner of the north one-half of the southeast quarter of the southwest quarter of said Section 10; thence westerly one-quarter of a mile to the southwest corner of the north half of the southeast quarter of the southwest quarter of said Section 10; thence southerly one-eighth of a mile to the southeast corner of the southwest quarter of the southwest quarter of said Section 10; thence westerly one-quarter of a mile to the northeast corner of Section 16, last said township and range; thence southerly one-quarter of a mile to the southeast corner of the northeast quarter of the northeast quarter of said Section 16; thence westerly one-quarter of a mile to the southwest corner of the northeast quarter of the northeast quarter of said Section 16; thence southerly one-half of a mile to the northwest corner of the southeast quarter of the southeast quarter of said Section 16; thence easterly one-half of a mile to the northeast corner of the southwest quarter of the southwest quarter of Section 15, last said township and range; thence northerly one-half of a mile to the northwest corner of the southeast quarter of the northwest quarter of said Section 15; thence easterly one-quarter of a mile to the northeast corner of the southeast quarter of the northwest quarter of said Section 15; thence northerly one-eighth of a mile to the northwest corner of the south half of the northwest quarter of the northeast quarter of said Section 15; thence easterly one-quarter of a mile to the northeast

corner of the south half of the northwest quarter of the northeast quarter of said Section 15; thence northerly one-eighth of a mile to the northwest corner of the northeast quarter of the northeast quarter of said Section 15; thence easterly one-quarter of a mile to the northeast corner of said Section 15; thence southerly one mile to the southeast corner of said Section 15; thence westerly along the southern boundary lines of said Sections 15 and 16, two miles to the northeast corner of Section 20 last said township and range; thence southerly one-half of a mile to the east quarter corner of said Section 20; thence westerly along the east and west center lines of Sections 20 and 19, last said township and range, and continuing along the east and west center line of Section 24, Township 24 South, Range 21 East, M. D. B. & M., a distance of two and three-quarters miles, more or less, to a point on the east bank of La Hacienda spillway in said Section 24; thence northerly along said bank of said spillway one mile to the point of beginning.

Boundary exceptions

Excepting therefrom the lands embraced within the boundaries of the following cities, as such cities' boundaries existed as of February 1, 1955:

1. The City of Clovis and additions situated in Township 13 South, Range 21 East, M. D. B. & M.;

2. The City of Fresno and additions situated in Township 13 South, Range 20 East, M. D. B. & M., Township 13 South, Range 21 East, M. D. B. & M., Township 14 South, Range 20 East, M. D. B. & M., and Township 14 South, Range 21 East, M. D. B. & M.;

3. The City of Kerman and additions situated in Township 14 South, Range 17 East, M. D. B. & M., and Township 14 South, Range 18 East, M. D. B. & M.;

4. The City of Selma and additions situated in Township 15 South, Range 22 East, M. D. B. & M., and Township 16 South, Range 22 East, M. D. B. & M.;

5. The City of Kingsburg and additions situated in Township 16 South, Range 22 East, M. D. B. & M.;

6. The City of Fowler and additions situated in Township 15 South, Range 21 East, M. D. B. & M.;

7. The City of Sanger and additions situated in Township 14 South, Range 22 East, M. D. B. & M.;

8. The City of Hanford and additions situated in Township 18 South, Range 21 East, M. D. B. & M.;

9. The City of Corcoran and additions being all of Section 14 and the north half of the north half of Section 23 in Township 21 South, Range 22 East, M. D. B. & M.;

10. The City of Lemoore and additions situated in Township 19 South, Range 20 East, M. D. B. & M.;

11. The City of Parlier and additions situated in Township 15 South, Range 22 East, Mount Diablo Base and Meridian.

12. The City of San Joaquin and additions situated in Township 15 South, Range 16 East, Mount Diablo Base and Meridian.

And further excepting therefrom the lands embraced within the limits of the townsites as listed below:

1. The Town of Biola as shown in Record of Surveys Number 8, pages 32 and 33 in the office of the County Recorder of the County of Fresno, State of California;

2. The Town of Del Rey, additions and portion of Section according to the maps of same on file and of record in the Office of the County Recorder of the County of Fresno, State of California, described as follows to wit:

Commencing at the northeast corner of Section 5, Township 15 South, Range 22 East, Mount Diablo Base and Meridian; thence south along east line of said Section 5 to a point 771.88 feet south of East ¼ corner of Section 5, being 100 feet southerly from the southeast corner of Swanson Addition No. 2; thence N. 87° 05′ W. a distance of 929.28 feet to a point 20 feet N. 87° 05′ W. and 120 feet S. 1° 20′ W. from the southwest corner of Block 4 of Swanson Addition No. 2 to Townsite of Del Rey; thence N. 1° 20′ E. 725.02 feet to a point on the south line of the northeast ¼ of said Section 5, which is 20 feet N. 1° 20′ E. from a point 20 feet N. 89° 39′ W. from the northwest corner of Block 2 of Swanson Addition to Townsite of Del Rey; thence westerly along the south line of Northeast ¼ of said Section 5 to a point 558.62 feet east of center of Section 5, Township 15 South, Range 22 East; thence N. 0° 28′ W. 446 feet; thence east 250.96 feet to most westerly corner of Lot 29 of Azadian Addition; thence N. 35° 58′ E. along northwesterly line of Azadian Addition to intersection with the southwesterly line of Vine Avenue as shown on map of Town of Del Rey; thence N. 45° 54′ W. to intersection with the northwesterly line of Fourth Street as shown on map of Town of Del Rey; thence N. 57° 21′ W. a distance of 310.73 feet, more or less, to southeast corner of West ½ of Northwest ¼ of Northeast ¼ of said Section 5; thence north 1320 feet, more or less, to northeast corner of West ½ of Northwest ¼ of Northeast ¼ of Section 5; thence east 1980 feet, more or less, to northeast corner of Section 5, Township 15 South, Range 22 East, Mount Diablo Base and Meridian and point of beginning.

3. The Town of Bowles, additions and portion of section according to the maps of same on file and of record in the Office of the County Recorder of the County of Fresno, State of California described as follows to wit:

Commence at the southwest corner of Section 24, Township 15 South, Range 20 East, Mount Diablo Base and Meridian; thence north 380 feet along section line to intersection with the westerly extension of the north line of Lewis Avenue, 50 feet wide; thence east along north line of Lewis Avenue and extension thereof to intersection with west line of 80 foot Atchison and Topeka and Santa Fe Railway Right of way, being 20 feet north and 20 feet east of northeast corner of Block 1 of Lewis addition to Town of Bowles; thence south along said westerly Right of way line to intersection with the easterly extension of the south line of A Street, as shown on map of Town of

Bowles; thence west 170 feet, more or less, along said south line and extension thereof to a point 60 feet east of northeast corner of Block 1, Town of Bowles, being the east line of Broadway Avenue and westerly line of 160 foot Atchison Topeka and Santa Fe Railway Reservation; thence southerly along said west line to intersection with the easterly extension of the south line of Block 3 of Town of Bowles, 77.1 feet easterly of southeast corner of said Block 3; thence west along the south line of Blocks 3 and 4 of Town of Bowles and the extension thereof to a point 40 feet west of southwest corner of Block 4, Town of Bowles; thence north along a line parallel to and 40 feet west of west line of Blocks 4, 5 and 6, Town of Bowles to intersection with westerly extension of north line of Block 6 at a point 40 feet west of northwest corner of Block 6, Town of Bowles; thence west 94 feet along westerly extension of north line of Block 6 of said town; thence north 330 feet to a point 30 feet south of north line of Section 25, Township 15 South, Range 20 East; thence west along a line parallel to and 30 feet south of north line of said Section 25 to intersection with west line of Section 25; thence north 30 feet to southwest corner of Section 24, Township 15 South, Range 20 East, Mount Diablo Base and Meridian, being point of beginning.

4. Portion of the Town of Monmouth as shown in Record of Surveys, Volume 4 Page 43, in the Office of the County Recorder of the County of Fresno, State of California and portion of Section 1, Township 16 South, Range 20 East, Mount Diablo Base and Meridian exterior boundaries described as follows:

Commence at the southeast corner of the Northeast ¼ of Southeast ¼ of Section 1, Township 16 South, Range 20 East, Mount Diablo Base and Meridian; thence south along said section line to intersection with the easterly extension of the south line of the 8-foot alley, as shown on map of Town of Monmouth; thence westerly along south line of alley and extension thereof, being 8 feet south of the south lines of Blocks 1, 2 and 3 of said town, to intersection with east line of 200-foot Atchison, Topeka, and Santa Fe Railway reservation; thence northwesterly along the easterly line of said railway reservation to intersection with the westerly projection of the north line of a 40-foot county road; thence easterly along said north line and extension thereof, being parallel to and 228 feet north of north lines of Blocks 4, 5 and 6 of Town of Monmouth to intersection with east line of said Section 1; thence south along said section line to southeast corner of northeast ¼ of southeast ¼ of Section 1, Township 16 South, Range 20 East, being point of beginning.

5. Portion of Town of Caruthers as shown in Record of Surveys Volume 5 Page 11 and Sandusky Tract as shown in Plats Volume 14 Page 59 and portion of Section 18, Township 16 South, Range 20 East, Mount Diablo Base and Meridian, all as shown in Office of County Recorder of the County of Fresno, State of California described as follows: Commence at the intersection of the north line of Section 18, Township 16 South,

Range 20 East, Mount Diablo Base and Meridian with the northwesterly projection of the southwesterly line of Villa Lot 1 of the Town of Caruthers; thence southeasterly along said southwesterly line and the projection thereof and along the southwesterly line of Villa Lot 6 of the Town of Caruthers to intersection with the east line of Section 18, Township 16 South, Range 20 East; thence south along said east line to intersection with the southeasterly projection of the northeasterly line of Villa Lot 5 of the Town of Caruthers; thence northwesterly along the southeasterly projection of said Villa Lot 5 and along the northeasterly line of Villa Lot 5 to a point 168 feet southeasterly from most northerly corner of Villa Lot 5; thence southwesterly along line parallel to and 168 feet southeast of northwesterly line of Villa Lot 5 to intersection with northeasterly line of Sandusky Tract; thence southeasterly 2 feet to most easterly corner of Sandusky Tract; thence southwesterly along the southeasterly line of Sandusky Tract, being 170 feet southeasterly and parallel to the northwesterly line of Villa Lot 5, to intersection with the southeasterly extension of the northeasterly line of Block 82 of Town of Caruthers; thence southeasterly along said southeasterly extension to intersection with a line 490 feet north and parallel to the south line of the North ½ of the South ½ of Section 18, Township 16 South, Range 20 East; thence east along said parallel line to a point 490 feet north of south line of North ½ of South ½ of Section 18, Township 16 South, Range 20 East and 1150 feet east of southeasterly line of Sandusky Tract; thence south 490 feet to south line of North ½ of South ½ of Section 18, Township 16 South, Range 20 East; thence west along said Section line to intersection with the southwesterly projection of southeasterly line of Villa Lot 4 of Town of Caruthers; thence northeasterly along said southwesterly projection and along the southeasterly line of said Villa Lot 4 to most easterly corner of Villa Lot 4; thence northwesterly 440 feet along northeasterly line of Villa Lot 4 to a point 40 feet southeast of most easterly corner of Block 93, Town of Caruthers; thence southwesterly 360 feet along a line parallel to and 40 feet southeasterly from the southeasterly line of Block 93; thence at right angles northwesterly 40 feet to intersection with the southwesterly projection of the southeasterly line of said Block 93; thence southwesterly along said southwesterly projection 277 feet; thence at right angles northwesterly 400 feet to intersection with the northwesterly line of Villa Lot 4; thence southwesterly along said northwesterly line to intersection with the west line of the East ½ of the West ½ of Section 18, Township 16 South, Range 20 East; thence north along said Section line to intersection with the southwesterly projection of a line that is parallel to and 550 feet northwesterly of the southeasterly line of Villa Lot 3 of Town of Caruthers; thence northeasterly along said parallel line to intersection with the northeasterly line of said Villa Lot 3; thence northwesterly along said northeasterly line of Villa Lot 3 to most southerly corner of Villa

Lot 2, Town of Caruthers; thence northeasterly along the southeasterly line of said Villa Lot 2 to most easterly corner of Villa Lot 2; thence northwesterly along northeasterly line of Villa Lot 2 and northwesterly production thereof to intersection with the north line of Section 18, Township 16 South, Range 20 East; thence east along said section line to intersection with the northwesterly projection of the southwesterly line of Villa Lot 1, Town of Caruthers, being point of beginning.

6. The Town of Laton as shown in Record of Surveys Number 1, Page 76 and portion of West Laton Addition, as shown in Record of Surveys Number 6 page 24 in the Office of the County Recorder of the County of Fresno, State of California, described as follows:

All of the Southwest ¼ of Section 22, Township 17 South, Range 21 East, Mount Diablo Base and Meridian.

7. The Town of Lanare as shown in Record of Surveys Number 7, Page 52 in the office of the County Recorder of the County of Fresno, State of California;

8. The Town of Riverdale, additions and portion of sections, as shown of record in the Office of the County Recorder of Fresno County, State of California described as follows:

Being that portion of Sections 24 and 25 of Township 17 South, Range 19 East, Mount Diablo Base and Meridian, Fresno County, California described as follows: Beginning at the southwest corner of Section 24 and running northerly along the west line of Section 24 a distance of 238.7 feet to a point on said west line; thence easterly and parallel to the south line of said Section and 238.7 feet northerly therefrom, a distance of 880 feet; thence northerly 880 feet easterly from and parallel to the west line of said Section to a point on the north line of South ½ of North ½ of Southwest ¼ of Section 24; thence easterly on said line to a point 740 feet west of north to south center line of Section 24; thence southerly 360 feet on a line parallel to and 740 feet west of the north to south center line of Section 24 to a point 445 feet north of north line of "C" Street as shown on map of La Paloma Addition to Riverdale; thence easterly 740 feet to a point on the center line of Section 24; thence southerly to the southeast corner of Northeast ¼ of Southwest ¼ of Section 24; thence easterly on the north line of the South ½ of Southeast ¼ of Section 24 to the southwest corner of the Northeast ¼ of Southeast ¼ of Section 24, continuing thence easterly along the north line of South ½ of Northeast ¼ of Section 24, to a point which is 432.55 feet east of the southwest corner of the Northeast ¼ of Southeast ¼ of Section 24; thence southerly to a point on the south line of "B" Street extended easterly at a point 871.12 feet west of the east line of Section 24; thence easterly on the extension of said south line of "B" Street to a point on the east line of Section 24; thence southerly to the southeast corner of Section 24; thence westerly along the line between Section 24 and Section 25, to a point 488.5 feet west of

the southeast corner of Section 24; thence southerly along a line parallel to and a distance of 488.5 feet west of the east line of Section 25 to the intersection of said line with the center line of the Burrel Ditch; thence southwesterly along the center line of said Burrel Ditch to its intersection with the east line of Lot 12 of Martha Kruger Subdivision extended northerly; thence southerly along said extension of the east line of Lot 12 and continuing along the east lines of Lot 12 and Lot 13 to a point which is 210 feet southerly thereon from the northeast corner of said Lot 13; thence westerly parallel to and at a distance of 210 feet southerly from the north line of said Lot 13 to the west line of the Northeast ¼ of said Section 25; thence northerly along the west line of said Northeast ¼ to its intersection with the center line of the Burrel Ditch; thence westerly and southwesterly along said center line of the Burrel Ditch to a point on the south line of the North ½ of Northwest ¼ of Northwest ¼ of said Section 25; thence westerly, approximately 375 feet, along the south line of said North ½ of the Northwest ¼ of the Northwest ¼ to the west line of said Section 25; thence northerly along the west line of said Section 25 to the point of beginning.

9. The Town of Helm as shown in Plat Book Volume 7, Page 97 in the office of the County Recorder of the County of Fresno, State of California;

10. The Town of Armona as shown in Map book page 3, Map book page 12, Map book page 17, and Map book page 30 of Kings County; and in Licensed Surveyors Plats Volume 1 page 44; Volume 1 page 84; Volume 2 page 40; Volume 2 page 56; Volume 2 page 66; Volume 2 page 72; Volume 2 page 73; Volume 3 page 48; Volume 4 page 17 in the office of the County Recorder of Kings County, State of California;

11. The Town of Stratford as shown in Licensed Surveyors Plats Volume 2 page 1 and Volume 2 page 57 in the office of the County Recorder of Kings County, State of California;

And further excepting therefrom the lands embraced within the limits of the following described areas:

1. Hammer Field being all of Section 29 and the east ½ of Section 30, Township 13 South, Range 21 East, M. D. B. & M.;

2. Selma Sewer Farm being the north half of the northeast quarter of Section 31, Township 16 South, Range 22 East, M. D. B. & M.;

3. Clotho Station being a portion of Section 18, Township 14 South, Range 22 East, M. D. B. & M., consisting of a strip of land 350 feet wide lying on the south side of S. P. R. R. track westerly from east line of said Section 18;

4. All portions of that certain mountain known as Smith Mountain, including the small hill forming the southern extremity thereof, over which water will not flow by gravity from East Branch of the Alta Main Canal, all located in Sections 26, 27, 28, 33, 34 and 35 in Township 15 South, Range 24 East,

M. D. B. & M., and in Sections 3 and 10 in Township 16 South, Range 24 East, M. D. B. & M.

5. Fresno Municipal Sewer Farm being all of Section 21, and the northwest quarter of Section 22, and 12 acres in the northwest corner of the north ½ of the south ½ of Section 22 lying north of the center of ditch running southwesterly through said north ½ of the south ½ of Section 22, and the northwest quarter of Section 27, and the north one-half of Section 28, all in Township 14 South, Range 19 East, M. D. B. & M.

6. That portion of land in Section 19, Township 14 South, Range 20 East, M. D. B. & M., used as a garbage fill and reclaimed by the City of Fresno, described as follows: The north ½ of Lots 13 and 14, Union Colony, of said Section 19; and the southeast ¼ of the northeast ¼ of said Section 19; and beginning at a point in the east line of the northeast ¼ of said Section 19, 2314.57 feet north of the southeast corner of said northeast ¼; thence west along the south line of the north ½ of the north ½ of the northeast ¼ of the said northeast ¼, 980.1 feet; thence south parallel to the west side of the east ½ of the said northeast ¼ of the northeast ¼, 106.5 feet; thence west parallel to the south side of the north ½ of the north ½ of the said northeast ¼ of the northeast ¼ and westerly production, 366.7 feet; thence south parallel to and 40 feet west of the west side of the east ½ of the said northeast ¼, 883.0 feet; thence east 40.0 feet to a point 2.0 feet north of the southwest corner of the said northeast ¼ of the northeast ¼; thence south along the west line of the east ½ of the northeast ¼, 2.0 feet to the said southwest corner of the northeast ¼ of the northeast ¼; thence east along the south line of the northeast ¼ of the northeast ¼ to the southeast corner thereof; thence north along the east line of the said northeast ¼ of the northeast ¼ to the point of beginning.

SEC. 2. Section 3 of said act is amended to read:

Divisions

SEC. 3. Said district is hereby divided into six divisions, which shall be numbered and denominated Division One, Division Two, Division Three, Division Four, Division Five, and Division Six.

Division One

Division One shall comprise all that territory of the district included within the following described boundaries:

Commencing in the middle of the Main Channel of Kings River on the section line between Sections 17 and 18 in Township 13 South, Range 24 East, M. D. B. & M.; thence running south along said section line to the left bank of said river; thence running downstream along the said left bank of said river to the head of the ditch formerly known as 76 Canal and now known as the Alta Main Canal; thence running downstream along the left bank of said Alta Main Canal to the main headgate in said Canal located in Section 2, Township 14 South, Range 23 East, M. D. B. & M., said Alta Main Canal down to this headgate being sometimes known as the Back Channel of said River; thence running downstream along the left bank of said Alta Main Canal and along the left bank of the continuance

of said Main Canal known as the East Branch of said Alta Main Canal as said East Branch was originally constructed, and along the left bank of the continuance of said East Branch. known as the Sontag Ditch, as said Sontag Ditch was originally constructed, to the east line of Section 35 in Township 16 South, Range 25 East, M. D. B. & M.; thence running south to the southeast corner of said Section 35; thence running east to the quarter section corner on the north boundary line of Section 1 in Township 17 South, Range 25 East, M. D. B. & M.; thence running south to the southeast corner of the southwest quarter of said Section 1; thence running west on section lines 3 miles to the quarter section corner between Sections 4 and 9 in Township 17 South, Range 25 East, M. D. B. & M.; thence running south to the quarter section corner between Sections 21 and 28 in Township 17 South, Range 25 East, M. D. B. & M.; thence running west to the southeast corner of Section 22 in Township 17 South, Range 24 East, M. D. B. & M.; thence running north 27 chains and 50 links to the meander line between swampland and highland; thence running in a northwesterly direction on the said meander line to the quarter section corner on the west boundary line of Section 22 in Township 17 South, Range 24 East, M. D. B. & M.; thence running west to the quarter section corner between Sections 19 and 20 in Township 17 South, Range 24 East, M. D. B. & M.; thence running south to the southeast corner of Section 19, Township 17 South, Range 24 East, M. D. B. & M.; thence running west to the right bank of the slough used as part of the ditch known as the Settlers Ditch; thence running downstream along the right bank of said slough and said Settlers Ditch to the point where it crosses the section line on the west boundary of Section 1 in Township 18 South, Range 22 East, M. D. B. & M.; thence running north along the section lines to the left bank of the ditch known as the Peoples Ditch near the southwest corner of Section 13 in Township 17 South, Range 22 East, M. D. B. & M.; thence running upstream along the left bank of said Peoples Ditch to said Kings River; thence running north to the center of the Main Channel of said river; thence running upstream along the center of the Main Channel of said river to the section line on the west side of the northwest quarter of Section 10 in Township 15 South, Range 23 East, M. D. B. & M.; thence running north on section lines to the center of the Main Channel of Kings River where the same crosses the west line of Section 3 in Township 14 South, Range 23 East, M. D. B. & M.; thence running up and along said channel to the place of beginning.

Division Two shall comprise all that territory of the district included within the following described boundaries: Division Two

Beginning at the center of Section 7, Township 14 South, Range 23 East, M. D. B. & M.; thence east one-half mile more or less to the bluff of Kings River bottom; thence northeasterly along the bluff of said Kings River bottom through Sections 8, 5 and 4 to a point where the county road runs along said bluff on the north side of said section 4; thence into Township 13

South, Range 23 East, M. D. B. & M., northeasterly along the center line of said county road through Section 33, and 34 to a point 100 feet southerly from the outside foot of the southerly bank of the Fresno Canal along that portion known as the "Long Cut"; thence parallel with the said foot of bank 100 feet distant therefrom in a general northeasterly direction to the intersection with a line 100 feet southerly from and parallel with the southerly-most parts of the diverting dam across Kings River near the headgate of the said Fresno Canal in the NW ¼ of Sec. 35, Township 13 South, Range 23 East, M. D. B. & M.; thence easterly to the center of the Main Channel Kings River; thence running downstream along the said center of the Main Channel of Kings River to west line of Section 3, Township 14 South, Range 23 East, M. D. B. & M.; thence south along section lines to the intersection of the west side of the northwest quarter of Section 10, Township 15 South, Range 23 East, M. D. B. & M., and the said center of the Main Channel of Kings River; thence running downstream along said center line of Main Channel of Kings River to the intersection of a line along left bank of Peoples Ditch produced, and the center line of Kings River; thence southwesterly along said center line of Main Channel of Kings River to Old River Channel; thence along center line of Old River Channel through Sections 1, 12, 13, 14, 15, 22, 21, 20, 29 and 30 in Township 17 South, Range 22 East, M. D. B. & M.; thence continuing along the center line of said Old River Channel into Section 25, Township 17 South, Range 21 East, M. D. B. & M., to its intersection with the center line of the Main Channel of Kings River in the northeast ¼ of said Section 25; thence south and westerly through Section 25 and 26 along the center line of said Kings River to a point in the vicinity of the northwest corner of Section 26 where the said center line intersects the southwesterly produced center line of the Reynolds Cut Channel; thence northerly and easterly along the center line of said Reynolds Cut Channel, and in the southwest ¼ of Section 23, to the point of intersection with the axis of the Reynolds Weir; thence northeasterly along the center line of the Reynolds Weir approach channel, known as the south branch of Cole Slough, to the point of intersection of said center line produced with the north bank of Cole Slough in the vicinity of the center of Section 23; thence northeasterly along said north bank through said Section 23 and Section 13 of the last above named township and range; thence into Township 17 South, Range 22 East, M. D. B. & M., through Sections 18, 17 to a point on the west line of Section 16; thence north along section lines to the northwest corner of Section 4; thence west along section lines to the southwest corner of Section 36, Township 16 South, Range 21 East, M. D. B. & M.; thence north along section lines to the northwest corner of said Section 36; thence west along section lines to the southwest corner of Section 27; thence north along section lines to the northwest corner of said Section 27; thence west along section lines to the southwest corner

of Section 19 of the last named township and range; thence into Township 16 South, Range 20 East, M. D. B. & M. west to southwest corner Section 24; thence south to the southeast corner of Section 26; thence west along section lines to the southwest corner of Section 28; thence north along section lines to the northwest corner of said Section 28, thence west along section lines to the southwest corner of Section 19 of the last named township and range; thence into Township 16 South, Range 19 East, M. D. B. & M. west to the southwest corner of Section 23; thence north along section lines to the northwest corner of Section 14; thence east along section lines to the northeast corner of said Section 14; thence north along section lines to the northwest corner of Section 1 of the last named township and range; thence into Township 15 South, Range 19 East, M. D. B. & M. north to the west quarter corner of Section 24; thence east along the east-west center line of said Section 24 to the east quarter corner of said Section 24; thence north one and one-half miles along section lines to the northeast corner of Section 13 of last named township; thence into Township 15 South, Range 20 East, M. D. B. & M., east 3 miles along section lines to the southeast corner of Section 9; thence south one mile to the southwest corner of Section 15; thence east 3 miles to the southeast corner of Section 13; thence into Township 15 South, Range 21 East, M. D. B. & M., north two miles to the southwest corner of Section 6; thence east one and seven-eighths miles more or less to easterly boundary of right of way of the Southern Pacific Railroad; thence southeasterly along the said easterly right of way line of the Southern Pacific Railroad to the east and west center line of Section 9; thence east to the southwest corner of the southeast quarter of the northeast quarter of said Section 9; thence north one-quarter mile; thence east one-quarter mile; thence north one-quarter mile to the northeast corner of Section 9; thence east one-half mile to the south quarter corner of Section 3; thence north one-half mile to the center of Section 3; thence west three-eighths of a mile; thence north one-quarter of a mile; thence east one-eighth of a mile; thence north one-eighth of a mile; thence west one-eighth of a mile; thence north one-eighth of a mile; thence east three-eighths of a mile to the north quarter corner of said Section 3; thence into Township 14 South, Range 21 East, M. D. B. & M., north two miles to the north quarter corner of Section 27; thence east along the north line of said Section 27 to the intersection with the east bank of Briggs Ditch; thence northeasterly along said bank of Briggs Ditch to the center line running east and west of Section 22; thence east along said line and into Section 23 three-quarters of a mile; thence north three-quarters of a mile; thence east one-quarter of a mile to east line of Section 14; thence east three-quarters of a mile; thence north one-quarter of a mile; thence east one-quarter of a mile to the east quarter corner of Section 13; thence into Township 14 South, Range 22 East, M. D. B. & M., east one mile to the east quarter corner of

Section 18; thence north one-half mile to northeast corner of said Section 18; thence east along the south line of Sections 8, 9 and 10 to the south quarter corner of Section 10; thence north one-quarter mile; thence east one-half mile; thence north one-quarter mile; thence east three-quarters of a mile, more or less, to the easterly bank of the Fowler Switch Canal; thence northeasterly along said easterly bank of Fowler Switch Canal one mile, more or less, to its intersection with the north boundary line of Section 12; thence east to the north quarter corner of Section 12; thence south one-half mile to the center of Section 12; thence east one-half mile to the east quarter corner of Section 12; thence into Township 14 South, Range 23 East, M. D. B. & M., east one-half mile more or less, along the east-west center line to the point of beginning.

Division Three

Division Three shall comprise all that territory of the district included within the following described boundaries:

Commencing at the point of intersection of the outside foot of the north bank of the Gould Canal and the center of the County Road in Section 26, Township 13 South, Range 23 East, M. D. B. & M., thence along said foot of bank northwesterly through said Section 26; thence southwesterly through Section 27 to the intersection with the Enterprise Canal; thence following the outside foot of the northerly or easterly bank of said Enterprise Canal, in a general northwesterly direction through Sections 27, 28, 33, 32, 31, 30, 29, 20, 19 and 18 of said Township, Sections 13, 14, 15, 10, 9, 16, 17, 8 and 7 of Township 13 South, Range 22 East, M. D. B. & M., Sections 12, 1 and 2 of Township 13 South, Range 21 East, M. D. B. & M. and Sections 35, 34, 27 and 28 of Township 12 South, Range 21 East, M. D. B. & M., to the west line of Section 28 of last named township; thence leaving foot of said bank north along section lines about five-eighths of a mile to the east $\frac{1}{4}$ corner of Section 20; thence west $\frac{1}{2}$ mile to the center of Section 20; thence north one-half mile to the north quarter corner of Section 20; thence west along the north line of Section 20 to the intersection with the outside foot of the northerly or easterly bank of the said Enterprise Canal; thence following said foot of bank of canal, in a general westerly direction through Sections 17 and 18 of Township 12 South, Range 21 East, M. D. B. & M. and Sections 13 and 24 of Township 12 South, Range 20 East, M. D. B. & M., to the east and west center line of Section 24 of the last named township; thence leaving said foot of bank of canal, west to the center of Section 23 of last named township; thence south one-half mile to the south quarter of said Section 23; thence west along section lines about one and three-eighths miles to the easterly line of Blackstone Avenue; thence southwesterly along the easterly line of Blackstone Avenue to the east and west center line of Section 28 of the last named township; thence west along half section lines to the top of the easterly bluff of the San Joaquin River; thence following down the top of said bluff in a general westerly direction through Sec-

tions 29, 32, and 31 of the last named township, Sections 36, 35, 34, 33, 32 and 31 of Township 12 South, Range 19 East, M. D. B. & M., Section 6 of Township 13 South, Range 19 East, M. D. B. & M., to the west line of said Section 6; thence north along the west line of said Section 6 to the intersection with the south bank of the San Joaquin River; thence following down the said bank, in a general westerly direction through Sections 1 and 2 of Township 13 South, Range 18 East, M. D. B. & M., Sections 35 and 34 of Township 12 South, Range 18 East, M. D. B. & M., Sections 3, 4, 9, 8 and 7 of Township 13 South, Range 18 East, M. D. B. & M., Sections 12, 1, 2, 11 and 10 of Township 13 South, Range 17 East, M. D. B. & M. to the west line of Section 10 of the last named township; thence south along section lines to the southwest corner of Section 15; thence west along section lines to the northwest corner of Section 20; thence south along section lines to the southeast corner of Section 31; thence into Township 14 South, Range 17 East, M. D. B. & M., east two miles to the northwest corner of Section 3; thence south two miles to the southwest corner of Section 10; thence east one mile to the northwest corner of Section 14; thence south one mile to the southwest corner of said Section 14; thence east one mile to the northwest corner of Section 24; thence south one mile to the southwest corner of said Section 24; thence east one mile to the northeast corner of Section 25; thence south two miles to the southeast corner of Section 36; thence east along township lines nine miles to the northwest corner of Section 3 of Township 15 South, Range 19 East, M. D. B. & M.; thence in said township south three miles to the southwest corner of Section 15; thence east one mile to the southeast corner of said Section 15; thence south one-half mile to the west quarter corner of Section 23; thence east two miles to the east quarter corner of Section 24; thence north one and one-half miles along section lines to the northeast corner of Section 13 of last named township; thence into Township 15 South, Range 20 East, M. D. B. & M., east 3 miles along section lines to the southeast corner of Section 9; thence south one mile to the southwest corner of Section 15; thence east 3 miles to the southeast corner of Section 13; thence into Township 15 South, Range 21 East, M. D. B. & M., north two miles to the southwest corner of Section 6; thence east one and seven-eighths miles more or less to easterly boundary of right of way of the Southern Pacific Railroad; thence southeasterly along the said easterly right of way line of the Southern Pacific Railroad to the east and west center line of Section 9; thence east to the southwest corner of the southeast quarter of the northeast quarter of said Section 9; thence north one-quarter mile; thence east one-quarter mile; thence north one-quarter mile to the northeast corner of Section 9; thence east one-half mile to the south quarter corner of Section 3; thence north one-half mile to the center of Section 3; thence west three-eighths of a mile; thence north one-quarter of a mile; thence east one-eighth of a mile; thence north

one-eighth of a mile; thence west one-eighth of a mile; thence north one-eighth of a mile; thence east three-eighths of a mile to the north quarter corner of said Section 3; thence into Township 14 South, Range 21 East, M. D. B. & M., north two miles to the north quarter corner of Section 27; thence east along the north line of said Section 27 to the intersection with the east bank of Briggs Ditch; thence northeasterly along said bank of Briggs Ditch to the center line running east and west of Section 22; thence east along said line and into Section 23 three-quarters of a mile; thence north three-quarters of a mile; thence east one-quarter of a mile to east line of Section 14; thence east three-quarters of a mile; thence north one-quarter of a mile; thence east one-quarter of a mile to the east quarter corner of Section 13; thence into Township 14 South, Range 22 East, M. D B. & M.; east one mile to the east quarter corner of Section 18; thence north one-half mile to northeast corner of said Section 18; thence east along the south line of Sections 8, 9 and 10 to the south quarter corner of Section 10; thence north one-quarter mile; thence east one-half mile; thence north one-quarter mile; thence east three-quarters of a mile, more or less, to the easterly bank of the Fowler Switch Canal; thence northeasterly along said easterly bank of Fowler Switch Canal one mile, more or less, to its intersection with the north boundary line of Section 12; thence east to the north quarter corner of Section 12; thence south one-half mile to the center of Section 12; thence east one-half mile to the east quarter corner of Section 12; thence into Township 14 South, Range 23 East, M. D. B. & M., east one mile more or less, through the center of Section 7 to the bluff of Kings River bottom; thence northeasterly along the bluff of said Kings River bottom through Sections 8, 5 and 4 to a point where the county road runs along said bluff on the north side of said Section 4; thence into Township 13 South, Range 23 East, M. D. B. & M, northeasterly along the center line of said county road through Sections 33, and 34 to a point 100 feet southerly from the outside foot of the southerly bank of the Fresno Canal along that portion known as the "Long Cut," thence parallel with the said foot of bank 100 feet distant therefrom in a general northeasterly direction to the intersection with a line 100 feet southerly from and parallel with the southerly-most parts of the diverting dam across Kings River near the headgate of the said Fresno Canal in the NW $\frac{1}{4}$ of Section 35, Township 13 South, Range 23 East, M. D. B. & M.; thence easterly across Kings River along said line to the intersection with a line 100 feet easterly from and parallel with the east side of said dam; thence northerly along said line to the intersection with a line 300 feet distant from and parallel with the northerly-most parts of said dam; thence westerly along said line to the center of the Main Channel of the Kings River; thence northeasterly along the said center of the Main Channel of the Kings River to the junction of the West and East Channels of the Kings

River; thence northeasterly along the center of the said East Channel of the Kings River to the point at which the Main Channel of the Kings River divides into the East and West Channels of the Kings River in the southeast quarter of the northeast quarter of Section 24, Township 13 South, Range 23 East, M. D. B. & M.; thence southwesterly along the center of the said West Channel to the point of intersection of the center of the said West Channel of the Kings River with a line 200 feet northerly of and parallel to the northerly-most part of the diverting dam across the said West Channel of the Kings River near the headgate of the said Gould Canal; thence westerly along said parallel line to the point of intersection of the last above described parallel line with a line 100 feet northwesterly from and parallel with the outside foot of the northwesterly bank of the said Gould Canal; thence parallel with said foot of bank and 100 feet distant therefrom in a general southwesterly direction to the intersection with the center of the county road; thence southwesterly about 130 feet to the point of beginning.

Division Four shall comprise all that territory of the district included within the following described boundaries: Division Four

Commencing at the north bank abutment of the headgate at the intake to the Liberty Canal in the north bank of that certain branch of the Kings River known as the north branch of Cole Slough in Section 23, Township 17 South, Range 21 East, M. D. B. & M.; thence running westerly along the north bank of said Liberty Canal through Sections 23, 22, 15, 16, 17, 8 and 7 all in Township 17 South, Range 21 East, M. D. B. & M.; thence through Sections 12, 11, 2 and 3, all in Township 17 South, Range 20 East, M. D. B. & M.; thence through Sections 34, 33, 32 and 31 all in Township 16 South, Range 20 East, M. D. B. & M.; thence through Sections 36, 25, 26, 27, 28, 33, 32, 31 and 30, Township 16 South, Range 19 East, M. D. B. & M.; thence into Township 16 South, Range 18 East, M. D. B. & M. through Section 25 to a point on the westerly line thereof; thence northerly along said line to the southeast corner of Section 23; thence westerly one mile to southeast corner of Section 22; thence northerly one mile to the northeast corner of said Section 22; thence westerly one mile to the southeast corner of Section 16; thence northerly one mile to the northeast corner of said Section 16; thence westerly two miles to the southeast corner of Section 7; thence northerly one mile to the northeast corner of said Section 7; thence westerly one mile to the northwest corner of Section 7 of the last named township and range; thence into Township 16 South, Range 17 East, M. D. B. & M. to the southeast corner of Section 1; thence on a diagonal line to the northwest corner of said Section 1; thence on a diagonal line to the southwest corner of Section 2; thence north 46 deg. 28 min. east along the center line of McMullen Grade 1479 feet; thence north 22 deg. 49 min. west on a line parallel to and 45 feet southwesterly of the surveyed line of Levee No. 1, 2048.44 feet to the point of beginning of a curve to the left, having a radius of 5684.61

feet; thence northwesterly along said curve 1577.51 feet to the end of said curve; thence N. 38 deg. 43 min. W. on a line tangent to the aforesaid curve 34,642.68 feet to the point of beginning of a curve to the left, having a radius of 11,414.2 feet; thence northwesterly along said curve 2347.44 feet to the end of said curve; thence N. 50 deg. 30 min. W. on a line tangent to aforesaid curve 17,956.29 feet to the point of beginning of a curve to the left having a radius of 5684.61 feet; thence westerly along said curve 5412.16 feet to the end of said curve; thence S. 74 deg. 53½ min. W. on a line tangent to aforesaid curve 5,209.13 feet to a point in the east line of the right of way of the Hanford and Summit Lake Railway; thence S. 0 deg. 18½ min. W. along said east line of said right of way 890.81 feet; thence S. 31 deg. 05½ min. E. along the west line of Reclamation District No. 1606, 1323.23 feet to the point of beginning of a curve to the left, having a radius of 2864 83 feet; thence southeasterly along said curve 2050 feet to the point of beginning of a curve to the right, having a radius of 5729 61 feet; thence southeasterly along said curve 2516 66 feet to the end of said curve; thence S. 46 deg. 55 min. E. on a line tangent to said curve 1477.72 feet to the point of beginning of a curve to the right, having a radius of 5729.61 feet; thence southeasterly along said curve 3146.67 feet to the end of said curve; thence S. 15 deg. 27 min. E. on a line tangent to said curve 10,360.68 feet; thence S. 15 deg 26½ min. E. 5499.37 feet to a point in the south line of Section 15, T. 15 S., R. 16 E., M. D. B. & M., distant 4482.75 feet westerly from the southeast corner thereof; thence S. 88 deg. 39½ min. W. 735.25 feet crossing Fresno Slough along said south line of Section 15 to a point on the said south line of Section 15, 216.0 feet east of the southwest corner of said Section 15; thence N. 16 deg. 40 min W 1390.8 feet; thence N. 16 deg. 45 min. W. 1391.6 feet; thence N. 15 deg. 43 min. W. 701.4 feet; thence N. 15 deg. 21 min. E. 136.0 feet; thence N. 16 deg. 30 min. W. 814.0 feet; thence N. 17 deg. 03 min. W. 1123.5 feet, to a point on the north line of Section 16, T. 15 S., R. 16 E., M. D. B. & M., 1356.9 feet east of the ¼ corner on the north side of Section 16; thence N. 15 deg. 32 min. W. 1381.0 feet; thence N. 16 deg. 20 min. W. 1386.0 feet; thence N. 15 deg. 58 min. W. 792.0 feet; thence N. 16 deg. 45 min. W. 593.0 feet; thence N. 20 deg. 36 min. W. 1421.0 feet, to a point on the north line of Sec. 9, T. 15 S., R. 16 E., M. D B. & M., 2350.2 feet east of the N.W. corner of Section 9; thence N. 16 deg. 39 min. W. 1442.6 feet; thence N. 24 deg. 57 min. W. 506.8 feet; thence N. 33 deg. 15 min. W. 174.4 feet; thence N. 53 deg. 20 min. W. 831.3 feet; thence N. 19 deg. 05 min. W. 253.5 feet; thence N. 20 deg. 25 min. W. 951.2 feet; thence N. 56 deg. 55 min. W. 538.2 feet; thence N. 47 deg. 55 min. W. 607.8 feet; thence N. 40 deg. 40 min. E. 1690.0 feet; thence N. 19 deg. 00 min. W. 600.0 feet; thence S. 71 deg. 00 min. W. 150.00 feet; thence S. 19 deg. 00 min. W. 514.6 feet; thence S. 40 deg. 40 min. W. 1604.0 feet; thence N. 46 deg. 51 min. W. 1341.6 feet, to a point on the north line of Section 5, T. 15 S., R. 16 E., M. D. B. & M., 1192.6 feet east of the ¼ corner

on the north side of said Section 5; thence West 48.3 feet; thence N. 54 deg. 17 min. W. 1339.1 feet; thence N. 54 deg. 22 min. W. 436.4 feet; thence N. 65 deg. 15 min. W. 584.3 feet; thence N. 82 deg. 04 min. W. 150.1 feet; thence N. 51 deg. 05 min. W. 761.6 feet; thence N. 63 deg. 57 min. W. 58.2 feet; thence N. 44 deg. 16 min. E. 47.4 feet; thence N. 75 deg. 00 min. E. 275.0 feet; thence N. 19 deg. 41 min. W. 456.5 feet; thence N. 6 deg. 11 min. E. 619.4 feet; thence N. 78 deg. 03 min. W. 359.5 feet; thence S. 16 deg. 40 min. W. 322.1 feet; thence S. 81 deg. 05 min. W. 216.4 feet; thence N. 75 deg. 35 min. W. 567.0 feet; thence N. 77 deg. 25 min. W. 346.4 feet; thence S. 72 deg. 07 min. W. 183.9 feet; thence S. 56 deg. 32 min. W. 280.0 feet; thence N. 79 deg. 09 min. W. 792.4 feet; thence N. 64 deg. 26 min. W. 1356.9 feet; thence N. 54 deg. 25 min. W. 487.8 feet; thence S. 82 deg. 19 min. W. 215.4 feet; thence N. 46 deg. 27 min. W. 265.7 feet; thence N. 5 deg. 29 min. W. 109.7 feet; thence N. 5 deg. 35 min. W. 1556.0 feet; thence N. 20 deg. 17 min. W. 183.7 feet; thence N. 55 deg. 34 min. W. 160.2 feet; thence S. 79 deg. 27 min. W. 199.2 feet; thence S. 69 deg. 25 min. W. 1504.0 feet; thence S. 69 deg. 37 min. W. 1843.8 feet; thence S. 40 deg. 24 min. W. 133.0 feet; thence S. 25 deg. 35 min. W. 516.8 feet; thence S. 22 deg. 47 min. W. 655.2 feet; thence S. 10 deg. 29 min. W. 471.0 feet; thence S. 14 deg. 54 min. W. 403.0 feet; thence west 165.6 feet to the center of Section 36, T. 14 S., R. 15 E., M. D. B. & M.; thence west along the north side of the southwest $\frac{1}{4}$ of said Section 36 to the $\frac{1}{4}$ corner on the west side of Section 36; thence south along the west side of Section 36, 2642.0 feet to the southwest corner of Section 36; thence west 132.7 feet; thence south 21 deg. 48 min. west 1377.6 feet; thence south 21 deg. 06 min west 779.6 feet; thence south 3 deg. 51 min. east 668.4 feet; thence south 2 deg. 42 min. west 1370.6 feet; thence south 0 deg. 48 min. west 1321.5 feet; thence south 13 deg. 55 min. west 1340.5 feet; thence south 13 deg. 40 min. west 1351.2 feet; thence south 14 deg. 07 min. west 1356.9 feet; thence south 12 deg. 50 min. west 354.0 feet; thence south 21 deg. 15 min. east 564.8 feet; thence south 34 deg. 00 min. east 563.7 feet to a point on the south line of Section 11, Township 15 South, Range 15 East, M. D. B. & M., 1544.6 feet west of the southeast corner of said Section 11; thence south 46 deg. 55 min. east 2114.8 feet to a point on the east line of Section 14, Township 15 South, Range 15 East, M. D. B. & M., 1444.5 feet south of the northeast corner of said Section 14; thence south along the west line of Section 13, Township 15 South, Range 15 East, M. D. B. & M., 3856.3 feet to the southwest corner of said Section 13; thence east 3951.9 feet to the northwest corner of the east one-half of the northeast $\frac{1}{4}$ of Section 24, Township 15 South, Range 15 East, M. D. B. & M.; thence south 26 deg. 35 min. east 2968.8 feet to the $\frac{1}{4}$ corner on the east side of Section 24, Township 15 South, Range 15 East, M. D. B. & M.; thence south along the west line of the southwest $\frac{1}{4}$ of Section 19, Township 15 South, Range 16 East, M. D. B. & M., 2660.6 feet to the southwest corner of said Section 19; thence south 45 deg. 00 min. east 7536.0 feet

to the southeast corner of Section 30, Township 15 South, Range 16 East, M. D. B. & M., said corner being also the northwest corner of Section 32 of the last named township; thence south 0 deg. 46½ min. west along the west line of said Section 32, 5343.62 feet to the southwest corner thereof; thence south 89 deg. 41 min. east along the south line of said Section 32, 5275 6 feet to the southeast corner thereof; thence south 89 deg. 38 min. east along the south line of Section 33, Township 15 South, Range 16 East, M. D. B. & M., 5276.9 feet to the southeast corner thereof; thence south 0 deg. 26½ min. west along the west line of Section 3, Township 16 South, Range 16 East, M. D. B. & M., 2407 feet; thence north 88 deg. 29 min. 45 sec. east 2722.08 feet; thence south 0 deg. 26½ min. west 2632.1 feet to the south quarter corner of said Section 3; thence north 88 deg. 57 min. east 2721.65 feet to the southeast corner thereof; thence north 88 deg. 57½ min. east 5541.1 feet along the south line of Section 2, Township 16 South, Range 16 East, M. D. B. & M., to the southeast corner thereof; thence north 88 deg. 57½ min. east along the south line of Section 1, Township 16 South, Range 16 East, M. D. B. & M., 2770.68 feet to the south quarter corner thereof; thence south 0 deg. 6½ min. west along the west line of the north half of the northeast quarter of Section 12, Township 16 South, Range 16 East, M. D. B. & M., 1319.88 feet; thence north 88 deg. 54½ min. east along the south line of said north half of the northeast ¼, 2753.48 feet to a point in the east line of said Section 12; thence south 0 deg. 46½ min. west 3955.93 feet to the southeast corner of said Section 12; thence north 89 deg. 54½ min. east along the southerly line of Section 7, Township 16 South, Range 17 East, 2651.07 feet more or less, to the southerly quarter corner of said section; thence northerly along the east line of the southwest quarter of said section to the center of said section; thence easterly along the south line of the northeasterly quarter of said section to the intersection of said line with the official swamp and overflow survey line, said point of intersection being south 89 deg. 52 min. west 1997.45 feet, more or less, from the east quarter corner of said section, measured along the south line of the northeast quarter of said section; thence continuing along said official swamp and overflow survey line south 39 deg. 43 min. east 488.11 feet; thence south 34 deg. 43 min. east, 1311.78 feet; thence south 77 deg. 53 min. east 938.35 feet to a point in the east line of said Section 7; thence continuing along said official swamp and overflow line south 27 deg. 30 min. east 762.3 feet; thence south 58 deg. east 594 feet to the south line of Section 8, in Township 16 South, Range 17 East, M. D. B. & M.; thence west along the south line of said Section 8 to the southwest corner of said Section 8; thence south one mile to the southwest corner of Section 17; thence east one mile to the southeast corner of said Section 17; thence south one mile to the southwest corner of Section 21; thence east one mile to the southeast corner of said Section 21; thence south two miles to the southwest corner of Section 34 of the last named township; thence into Township 17 South, Range 17 East, M. D. B. & M. west to the north-

west corner of Section 3; thence south along section lines to the west ¼ corner of Section 10; thence east along the north line of the south ½ of Section 10 to the east ¼ corner of said Section 10; thence south along the section line to the southwest corner of Section 11; thence east along the section line to the southeast corner of said Section 11; thence south along the section line to the west ¼ corner of Section 13; thence east along the north line of the southwest ¼ of said Section 13 to the center of said Section 13; thence south along the east line of the southwest ¼ of said Section 13 to the south ¼ corner of said Section 13; thence east along the section line to the southeast corner of said Section 13; thence in Township 17 South, Range 18 East, M. D. B. & M., east along the section line to the southwest corner of Section 17; thence south along the section line to the west ¼ corner of Section 20; thence along the north line of the southwest ¼ of Section 20 to the center of said Section 20; thence south along the east line of the southwest ¼ of Section 20 to the south ¼ corner of said Section 20; thence east along the section line to the southeast corner of Section 20; thence south along the section line to the west ¼ corner of Section 28; thence east along the north line of the southwest ¼ of Section 28 to the center of said Section 28; thence south along the east line of the southwest ¼ of Section 28 to the south ¼ corner of said Section 28; thence east along section lines to the north ¼ corner of Section 34; thence south along the west line of the northeast ¼ of Section 34 to the center of said Section 34; thence east along the south line of the northeast ¼ of Section 34 to the east ¼ corner of said Section 34; thence south along the section line to the southwest corner of the north ½ of the southwest ¼ of Section 35; thence east along the south line of the north ½ of the southwest ¼ of Section 35 to the southeast corner of the north ½ of the southwest ¼ of said Section 35; thence south along the east line of the south ½ of the southwest ¼ of Section 35 to the south ¼ corner of Section 35; Township 17 South, Range 18 East, M. D. B. & M.; thence into Township 18 South, Range 18 East, M. D. B. & M. to the north ¼ corner of Section 2; thence south along the west line of the east half of said Section 2 to the south ¼ corner of said Section 2; thence east along section lines to the southeast corner of Section 1; thence into Township 18 South, Range 19 East, M. D. B. & M. to the southwest corner of Section 6; thence east along section lines to the south quarter corner of Section 5; thence north along the north-south center line of said Section 5 to the point of intersection of said center line with the north foot of bank of the Crescent Canal; thence along the north foot of bank of Crescent Canal, S. 56 deg. 00 min. E. 460 feet; S. 47 deg. 00 min. E. 1320 feet; S. 78 deg. 10 min. E. 900 feet; S. 37 deg. 50 min. E. 170 feet to a point in the center line of Boggy or Fish Slough; thence southerly along the center of Boggy or Fish Slough through Sections 5 and 8 to San Jose Slough; thence southeasterly along the center of San Jose Slough through Sections 8, 9, 16, 21, 22, 27, 34 and 35 to a point in said Section 35 where the said San Jose Slough

intersects Clarks Fork of Kings River; thence northeasterly along the north bank of Clarks Fork of Kings River through Sections 35, 26, 25 and 24 to a point in the east line of Section 24; thence in Township 18 South, Range 20 East, continuing along the north bank of Clarks Fork of Kings River through Sections 19 and 20 to a point where said bank intersects the north bank of South Fork of Kings River; thence northeasterly along the north bank of South Fork of Kings River through Sections 20, 17, 16, 15, 10, 11 and 2 to a point where said bank intersects the north bank of Kings River; thence northeasterly along the north bank of Kings River through Sections 2 and 1 to a point in the north line of said Section 1; thence in Township 17 South, Range 20 East, M. D. B. & M., and continuing northeasterly along the north bank of Kings River through Sections 36 and 25 to a point in the east line of said Section 25; thence in Township 17 South, Range 21 East, M. D. B. & M., and continuing upstream northeasterly along the north bank of Kings River through Sections 30, 29, 28, 27 and 22 to a point in the vicinity of the southeast corner of said Section 22 where the center line of the Kings River produced in a northwesterly direction downstream intersects the said north bank of Kings River and the north bank of Reynolds Cut Channel; thence southeasterly along the said produced center line to the intersection with the center line of the Reynolds Cut Channel; thence northerly and easterly along the center line of said Reynolds Cut Channel and in the southwest ¼ of Section 23 to the point of intersection with the axis of the Reynolds Weir; thence northeasterly along the center line of the Reynolds Weir approach channel, known as the South Branch of Cole Slough, to the point of intersection of the said center line produced with the north bank of Cole Slough in the vicinity of the center of Section 23; thence southwesterly along the north bank of the north branch of Cole Slough to the point of beginning at the Liberty Canal headgate.

Division Five

Division Five shall comprise all that territory of the district included within the following described boundaries:

Beginning at the southwest corner of Section 6, Township 18 South, Range 19 East, M. D. B. & M.; thence south along the section line to the southwest corner of Section 7; thence east along the section line to the southeast corner of said Section 7; thence south along the section line to the southwest corner of Section 17; thence east along the section line to the southeast corner of said Section 17; thence south along the section line to the southwest corner of Section 21; thence east along the south section line of Section 21 to the point of intersection of said section line and the Government Swamp and Overflow Meander Line; thence southeasterly along the Government Swamp and Overflow Meander Line through Section 28 to the intersection of said meander line and the east section line of said Section 28; thence south along section lines for approximately one and three-fourths miles to the southwest corner of Section 34, Township 18 South, Range 19 East, M. D. B. & M.,; thence in Town-

ship 19 South, Range 19 East, M. D. B. & M. to the northwest corner of Section 3; thence south along the section line to the southwest corner of Section 3; thence east along the south line of said Section 3, one mile to the southeast corner of said Section 3; thence easterly three-quarters of a mile along the south line of Section 2 of the last named township and range, to the southwest corner of the southeast one-quarter of the southeast one-quarter of said Section 2; thence southerly one-half mile to the southwest corner of the southeast quarter of the northeast quarter of Section 11; thence southerly along the west line of the east ½ of the southeast ¼ of said Section 11, also being the west line of Lot 5 of said Section 11, to the Southern Pacific Company Railroad line; thence southeasterly along the westerly line of said Lot 5 of said Section 11 to the southeast corner of said Section 11; thence south 2½ miles along the west lines of Sections 13, 24, and 25, Township 19 South, Range 19 East, M. D. B. & M., to the west ¼ corner of said Section 25; thence east 2056 feet along the east-west center line of said Section 25 to a point along the west bank of South Fork of Kings River; thence south 252 feet along said west bank of said South Fork of Kings River to a point which is the junction of the said west bank of South Fork of Kings River and the westerly bank of the Empire West Side Irrigation District's Upper Ditch; thence south 47 degrees and 39 minutes west 2734 feet along the westerly bank of said Empire West Side Irrigation District's Upper Ditch to a point on the west line of said Section 25, which point is 548 feet north of the southwest corner of said Section 25; thence south 47 deg. 39 min. west 320 feet along said westerly bank of said Upper Ditch, in Section 26, Township 19 South, Range 19 East, M. D. B. & M.; thence south 8 deg. 29 min. west 1990.6 feet in Section 26 and 35 of the last named township and range; thence south 18 deg. 40 min. east 1250 feet along the said westerly bank of said Upper Ditch in Section 35, Township 19 South, Range 19 East, M. D. B. & M., to a point; thence south from this point 59 deg. 13 min. east 142 feet along said westerly bank of Upper Ditch to a point which point lies on the east line of said Section 35 and being 224 feet south of the east ¼ corner of said Section 35; thence southerly 2403 feet along the east line of said Section 35 to the southeast corner of said Section 35; also being along the said westerly bank of Upper Ditch; thence southerly 10,723.7 feet along the west lines of Section 1 and 12, Township 20 South, Range 19 East, M. D. B. & M, also along the west bank of said Upper Ditch to the southwest corner of said Section 12; thence westerly 700 feet along the north line of Section 14, last named township and range, to a point on the said westerly bank of Upper Ditch; thence southerly 2680.9 feet along said westerly bank of Upper Ditch; thence easterly 700 feet to the east ¼ corner of said Section 14; thence southerly 6702.2 feet along the west lines of Sections 13 and 24 to the southwest corner of the northwest quarter of the southwest quarter of Section 24, last named township and

range; thence easterly 1322.8 feet to the southeast corner of the northwest quarter of the southwest quarter of said Section 24, thence southerly 670.3 feet to the southwest corner of the northwest quarter of the southeast quarter of the southwest quarter of said Section 24; thence easterly 1322.8 feet to the southeast corner of the northeast quarter of the southeast quarter of the southwest quarter of said Section 24; thence southerly 670.3 feet to the south quarter corner of said Section 24; thence southerly 207 feet along the westerly bank of the Upper Ditch of the Empire West Side Irrigation District in Section 25, last named township and range; thence south 34 deg. 10 min. west 284 feet along said westerly bank of Upper Ditch; thence south 45 deg. 20 min. west 3400 feet along said westerly bank of Upper Ditch to the west quarter corner of said Section 25; thence easterly 982 feet to a point on the westerly bank of Ditch of Empire West Side Irrigation District; thence south 48 deg. 30 min. west 2770 feet along said westerly bank of Ditch through portions of Sections 25 and 26, Township 20 South, Range 19 East, M. D. B & M.; thence south 36 deg. 30 min. west 2700 feet through portions of Section 26 and 35 along said westerly bank of Ditch; thence southerly 1340.4 feet to center of said Section 35; thence westerly 1320 feet to the northwest corner of the northeast quarter of the southwest quarter of Section 35, Township 20 South, Range 19 East, M. D. B. & M.; thence southerly 2681 feet to the southwest corner of the southeast quarter of the southwest quarter of said Section 35, also being the southwest corner of Lot 9 of said Section 35; thence easterly along the south line of said Section 35 to the intersection of said line with the northwesterly bank of the West Side Canal, said point of intersection also being a point on the north line of Section 1, Township 21 South, Range 19 East, M. D. B. & M. where said line intersects the northwesterly bank of said West Side Canal; thence east along the north line of said Section 1 to the northeast corner of said Section 1 last named township and range; thence east along northern lines of Sections 6 and 5, Township 21 South, Range 20 East, M. D. B. & M. to the northwest corner of Section 4 last named township and range; thence southerly along the western lines of Sections 4 and 9 one and one-half miles more or less to the west one-quarter corner of Section 9 last named township and range; thence east along the east and west center lines of Sections 9, 10, 11 and 12, last named township and range 4 miles more or less to the east one-quarter corner of Section 12; thence northerly one and one-half miles to the northeast corner of Section 1 last named township and range; thence easterly along the northern lines of Section 6, Township 21 South, Range 21 East, M. D. B. & M, 39.66 chains more or less to a point on northern line of said Section 6, said point being at the northwest corner of 154 acre tract of land in said Section 6 now or formerly belonging to S. J. Hill; thence southerly along the westerly line of said 154 acre tract 33.16 chains more or less to the southwest corner of said 154 acre tract; thence easterly along southern line of said tract 46.44

chains more or less to the southeast corner of said tract also being a point on east line of said Section 6; thence southerly along east line of said Section 6 a distance of 21.84 chains more or less to a point on said east line of Section 6, last named township and range, said point being 26.05 chains northerly from the southeast corner of said Section 6; thence south 72 deg. E. 42.06 chains to a point on the west line of the east half of Section 5, last named township and range; thence northerly along the west line of the east half of said Section 5 a distance of 68.00 chains to the north one-quarter corner of said Section 5; thence easterly along northern line of said Section 5 a distance of 27.20 chains to point of intersection of the northern line of said Section 5 and the meander or shore line of Tulare Lake surveyed May 17, 1884 and shown on township plat of Township 21 South, Range 21 East, M. D. B. & M., approved by the United States Surveyor General of California on October 14, 1884, said point of intersection being 12.80 chains westerly from the northeast corner of said Section 5; thence easterly and southeasterly along last said meander line through Sections 5 and 4 to the point of intersection of last said meander line and the west line of the east half of the east half of Section 4, last named township and range; thence northerly along said west line of the east half of the east half to the northwest corner of the southeast one-quarter of the northeast one-quarter of said Section 4; thence easterly one-quarter of a mile to the northeast corner of the southeast one-quarter of the northeast quarter of said Section 4, thence southerly three-quarters of a mile to the northwest corner of Section 10, Township 21 South, Range 21 East, M. D. B. & M.; thence easterly one mile to the northeast corner of last said Section 10; thence southerly 2 miles to the southwest corner of Section 14, last said township and range; thence easterly one-half mile to the south one-quarter corner of said Section 14; thence northerly one-half mile to center of said Section 14; thence easterly one-half mile to the east one-quarter corner of said Section 14; thence southerly one-half mile to the northwest corner of Section 24, last named township and range; thence easterly one-half mile to the north one-quarter corner of said Section 24; thence southerly one-half mile to the center of last said Section 24; thence easterly one-half mile to the east one-quarter corner of said Section 24; thence southerly 2½ miles along the eastern boundary line of Township 21 South, Range 21 East to the southeast corner of last said township and range; thence southerly one-half mile, more or less, to the west quarter corner of Section 6, Township 22 South, Range 22 East, M. D. B. & M.; thence easterly along east and west center lines of Sections 6 and 5, last named township and range to the center of last said Section 5; thence southerly 3½ miles along north and south center lines of Sections 5, 8, 17 and 20 last named township and range to the south quarter corner of last said Section 20; thence easterly along the northern lines of Sections 29 and 28 last named township and range, to the north quarter corner of said Section 28; thence southerly one mile to the south quar-

ter corner of said Section 28; thence easterly one-half mile to the northeast corner of Section 33 last named township and range; thence southerly one mile to southeast corner of said Section 33; thence easterly along the northern line of Section 3, Township 23 South, Range 22 East, M. D. B. & M., 73.15 chains more or less to the northeast corner of last said Section 3; thence southerly one mile to the southeast corner of last said Section 3; thence easterly 2 miles more or less along the northern lines of Sections 11 and 12, Township 23 South, Range 22 East to the northeast corner of last said Section 12; thence north along range line 12 miles to the northeast corner of Section 12, Township 21 South, Range 22 East, M. D. B. & M ; thence west two and one-half miles along section lines to the south one-quarter corner of Section 3, last named township and range; thence northerly one-half mile to the center of said Section 3; thence westerly one-half mile to the west one-quarter corner of said Section 3; thence north one-half mile to the northwest corner of said Section 3; thence east 3 miles along township line to the northeast corner of Section 1, Township 21 South, Range 22 East, M. D. B. & M.; thence east 383 feet along said township correction line to a point on the south line of Section 36, Township 20 South, Range 22 East, M. D. B. & M. which point is also on center line of Lakelands Canal and Irrigation Company Canal; thence N. 21 deg. 45 min. W. a distance of 6388 feet along center line of said canal; thence N. 62 deg. 45 min. W. a distance of 711 feet along center line of said canal to a point on the west line of Section 25 last named township and range, said point being 1278 feet north of the southwest corner of said Section 25; thence north on section line to the west one-quarter corner of said Section 25; thence east to the southeast corner of the southwest one-quarter of the northwest one-quarter of said Section 25; thence north to the southeast corner of the northwest one-quarter of the northwest one-quarter of said Section 25; thence east to the southeast corner of the northeast one-quarter of the northwest one-quarter of said Section 25; thence north to the north one-quarter corner of said Section 25; thence east to the northeast corner of said Section 25; thence north along range line to the northeast corner of southeast one-quarter of the southeast one-quarter of Section 12, Township 20 South, Range 22 East, M. D. B. & M.; thence west to the northwest corner of the southeast one-quarter of the southwest one-quarter of said Section 12; thence south to the southwest corner of the southeast one-quarter of the southwest one-quarter of said Section 12; thence west along the section lines to the northeast corner of Section 16, Township 20 South, Range 22 East, M. D. B & M.; thence west three miles along the north line of Sections 16, 17 and 18 to the northwest corner of Section 18 last named township and range; thence west one-half mile along section line to the south one-quarter corner of Section 12, Township 20 South, Range 21 East, M. D. B. & M.; thence northerly along the north-south center line of last named Section 12 to the north one-quarter corner of said Section 12:

thence west one and one-half miles along section lines to the northwest corner of Section 11 last named township and range; thence northerly one mile along section line to the northwest corner of Section 2 last named township and range; thence northerly three miles along the west lines of Sections 35, 26 and 23, Township 19 South, Range 21 East, M. D. B. & M. to the northwest corner of Section 23; thence east one mile along section line to the northeast corner of said Section 23; thence northerly one mile along section line to the northwest corner of Section 13 last named township and range; thence east one mile along section line to the northeast corner of said Section 13; thence east four miles along section lines to the northeast corner of Section 15, Township 19 South, Range 22 East, M. D. B. & M.; thence north one mile along section line to the northwest corner of Section 11 last named township and range; thence east one mile along section line to the southeast corner of Section 2 last named township and range; thence north one mile to the northeast corner of said Section 2; thence north two miles along section lines to the northwest corner of Section 25, Township 18 South, Range 22 East, M. D. B. & M.; thence one-half mile east along section line to the south one-quarter corner of Section 24, last named township and range; thence north one mile along north-south center line of Section 24 last named township and range to the north one-quarter corner of said Section 24; thence west one-half mile along section line to the northwest corner of said Section 24; thence north two miles along section lines to the northwest corner of Section 12 last named township and range; thence northerly along the west line of Section 1, Township 18 South, Range 22 East, M. D. B. & M., to the point of intersection of the said west line with the north bank of the slough used as part of the ditch known as the Settlers Ditch; thence running north along the section lines to the left bank of the ditch known as the Peoples Ditch near the southwest corner of Section 13 in Township 17 South, Range 22 East, M. D. B. & M.; thence running north along the said left bank of Peoples Ditch through Sections 13, 12 and 1, and in Section 1 to a point where the line of said left bank produced intersects the center line of the Main Channel of Kings River; thence southwesterly along said center line of Kings River to its intersection with the center line of Old River Channel in the west ½ of Section 1; thence south and westerly along the center line of said Old River Channel through Sections 1, 12, 13, 14, 15, 22, 21, 20, 29 and 30 in Township 17 South, Range 22 East, M. D. B. & M.; thence continuing along the center line of said Old River Channel into Section 25, Township 17 South, Range 21 East, M. D. B. & M., to its intersection with the center line of the Main Channel of Kings River in the northeast ¼ of the said Section 25; thence south and westerly through Sections 25 and 26 along the center line of said Kings River to a point in the vicinity of the northwest corner of Section 26 where the said center line produced intersects the north bank of the said Kings River and the north bank of the

Reynolds Cut Channel; thence along said north bank of the main Kings River in a southwesterly direction through Sections 27, 28, 29 and 30 in Township 17 South, Range 21 East, M. D. B. & M.; thence into Township 17 South, Range 20 East, M. D. B. & M., continuing southwesterly along said north bank through Sections 25 and 36; thence into Township 18 South, Range 20 East, M. D. B. & M., continuing southwesterly along said north bank through Sections 1 and 2 to a point where said north bank projected intersects the north bank of the South Fork of Kings River; thence along said north bank of the South Fork of Kings River in a southwesterly direction through Sections 2, 11, 10, 15, 16, 17 and 20 in the last named township and range to a point where said north bank joins the north bank of Clark's Fork of Kings River; thence continuing southwesterly along the north bank of Clark's Fork of Kings River through Sections 20 and 19 of the last named township and range; thence into Township 18 South, Range 19 East, M. D. B. & M., along said north bank southwesterly through Sections 24, 25, 26 and 35 to a point where said north bank projected intersects the center of San Jose Slough; thence along the center line of said San Jose Slough in a westerly and northwesterly direction through Sections 35, 34, 27, 22, 21, 16, 9 and 8 to a point where said center line intersects the center line of Boggy or Fish Slough; thence northwesterly along the center line of Boggy or Fish Slough through Sections 8 and 5 to a point where said center line is intersected by a line commencing at the point of intersection of the north-south center line of Section 5, Township 18 South, Range 19 East, M. D. B. & M. with the north foot of bank of the Crescent Canal and running thence south 56 deg. 00 min. E. 460 feet; S. 47 deg 00 min. E. 1320 feet; S. 78 deg. 10 min. E. 900 feet; S. 37 deg. 50 min. E. 170 feet to its intersection with the aforesaid center line of Boggy or Fish Slough; thence retracing the above described line to its point of beginning at the intersection of the north-south center line of said Section 5 and the north foot of bank of the Crescent Canal; thence south along the north-south center line of Section 5 to the south quarter corner of Section 5; thence west along section lines to the southwest corner of Section 6 which is the point of beginning.

Division Six

Division Six shall comprise all that territory of the district included within the following described boundaries:

Beginning at the northeast corner of Section 1, Township 21 South, Range 19 East, M. D. B. & M., and running thence westerly along the north line of said Section 1 to its intersection with the northwesterly bank of the West Side Canal; thence southwesterly following the meanderings of said bank of said canal to its intersection with the northern line of Section 15, same township and range; thence westerly along said line of said Section 15 to the north quarter corner of Section 15 in said Township 21 South, Range 19 East; thence southerly one-half mile to the center of said Section 15; thence westerly one-quarter of a mile to the northwest corner of the east half

of the southwest quarter of said Section 15; thence southerly one-half of a mile to the southwest corner of the east half of the southwest quarter of said Section 15; thence westerly along the southern line of said Section 15 and along the southern line of Section 16, same township and range, to the south quarter corner of said Section 16, last said quarter corner being a point on the meander line of Tulare Lake as established by the United States Surveyor General of California in the year 1855; thence along said meander line south 31 degrees 10 minutes west 77.10 chains, south 35 degrees 45 minutes west 17.12 chains, south 39 degrees 30 minutes west 72.00 chains, south 9 degrees 30 minutes west 25.00 chains, south 44 degrees 35 minutes west 28.30 chains and south 28 degrees west 68.15 chains to a point on the southern line of Section 31 of said Township 21 South, Range 19 East, M. D. B. & M., last said point being distant south 89 degrees 26 minutes east 48.00 chains from the southwest corner of said Section 31; thence, leaving said meander line, and along the line between Township 21 South, Range 19 East, and Township 22 South, Range 19 East, M. D. B. & M., north 89 degrees 26 minutes west 8.06 chains to the north quarter corner of Section 6 of said Township 22 South, Range 19 East, M. D. B. & M.; thence southerly along the line dividing the east half and the west half of said Section 6 and along the line dividing the east one-half and the west one-half of Section 7, last said township and range, two miles, more or less, to the south quarter corner of said Section 7; thence easterly along the southern line of said Section 7 one-half of a mile, more or less, to the northwest corner of Section 17, last said township and range; thence southerly three-eighths of a mile to the southwest corner of the north one-half of the south one-half of the northwest one-quarter of said Section 17; thence easterly one-half of a mile to the southeast corner of the north one-half of the south one-half of the northwest quarter of said Section 17; thence southerly five-eighths of a mile to the south quarter corner of said Section 17; thence easterly one-quarter of a mile to the northwest corner of the northeast quarter of the northeast quarter of Section 20, last said township and range; thence southerly three-quarters of a mile to the southwest corner of the northeast one-quarter of the southeast one-quarter of said Section 20; thence easterly one-quarter of a mile to the southeast corner of the northeast one-quarter of the southeast one-quarter of said Section 20; thence southerly one-quarter of a mile to the northwest corner of Section 28, last said township and range; thence east one-half of a mile to the north one-quarter corner of said Section 28; thence southerly one mile to the south one-quarter corner of said Section 28; thence east one-half of a mile to the northwest corner of Section 34, last said township and range; thence southerly along the western line of last said Section 34 and continuing along the western line of Section 3, Township 23 South, Range 19 East, M. D. B. & M., 1½ miles, more or less, to the west quarter corner of last said Section 3;

thence easterly one-quarter of a mile to the northwest corner of the northeast quarter of the southwest quarter of last said Section 3; thence southerly one-quarter of a mile to the southwest corner of the northeast one-quarter of the southwest one-quarter of last said Section 3; thence easterly three-quarters of a mile to the northeast corner of the southeast one-quarter of the southeast one-quarter of last said Section 3; thence southerly one-quarter of a mile to the southeast corner of last said Section 3; thence easterly along the southern line of Sections 2 and 1, last said township and range, 2 miles, more or less, to the northwest corner of Section 7, Township 23 South, Range 20 East, M. D. B. & M., thence southerly one-half of a mile to the west quarter corner of last said Section 7; thence easterly one-half of a mile, more or less, to the center of last said Section 7; thence southerly one-quarter of a mile to the southwest corner of the northwest one-quarter of the southeast one-quarter of last said Section 7; thence easterly one mile to the northwest corner of the southwest one-quarter of the southeast one-quarter of Section 8, last said township and range; thence southerly one-quarter of a mile to the south quarter corner of last said Section 8; thence easterly along the southern lines of Sections 8, 9, 10, and 11, last said township and range, 3½ miles, more or less, to the northwest corner of Section 13, Township 23 South, Range 20 East, M. D. B. & M.; thence southerly along the western lines of Sections 13, 24, 25, and 36, last said township and range, 4 miles to the southwest corner of last said Section 36; thence easterly one mile to the northwest corner of Section 6, Township 24 South, Range 21 East, M. D. B. & M.; thence southerly one mile to the southwest corner of last said Section 6; thence easterly 85.81 chains, more or less, to the northwest corner of Section 8, last said township and range; thence southerly three-quarters of a mile to the southwest corner of the northwest one-quarter of the southwest one-quarter of last said Section 8; thence easterly along the southern lines of the north half of the south half of Sections 8, 9, and 10, last said township and range, 3 miles, more or less, to the southeast corner of the northeast quarter of the southeast quarter of last said Section 10; thence northerly three-quarters of a mile to the southwest corner of Section 2, last said township and range; thence easterly along the southern lines of Sections 2 and 1, last said township and range, 2 miles, more or less, to the southeast corner of last said Section 1; thence southerly one-half of a mile to the east one-quarter corner of Section 12, last township and range; thence easterly along the east and west center lines of Sections 7 and 8, Township 24 South, Range 22 East, M. D. B. & M.; one and one-half miles more or less to the center of last said Section 8; thence northerly one-half of a mile to the south quarter corner of Section 5 last said township and range; thence easterly along the southern lines of 5, 4, and 3, last said township and range, two and one-half miles more or less to the southwest corner of Section 2, Township 24 South, Range 22 East, M. D.

B. & M.; thence east, along the southern line of last said Section 2, 11.94 chains to its intersection with the meander line of Tulare Lake as surveyed in 1880 and shown on the township plat of last said township approved by the United States Surveyor General of California on February 9, 1881; thence along last said meander line north 55 degrees east 55.00 chains, north 60 degrees east 15.00 chains; north 56 degrees 30 minutes east 31.62 chains and north 56 degrees 30 minutes east 61.86 chains to a point on the north line of Section 1, Township 24 South, Range 22 East, M. D. B. & M., distance thereon west 29.00 chains from the northeast corner of last said Section 1; thence northeasterly along the meander or shore line in 1880 of Tulare Lake through Section 36, Township 23 South, Range 22 East, M. D. B. & M., to a point on the western line of Section 31, Township 23 South, Range 23 East, M. D. B. & M., distant thereon, north 21.00 chains from the southwest corner of last said Section 31; thence continuing along the meander or shore line of Tulare Lake as surveyed in 1880 and shown on the township plat of last said township approved by the United States Surveyor General of California on February 9, 1881, the following courses and distances: North 52 degrees east 50.00 chains, north 56 degrees east 17.00 chains, north 52 degrees east 30.20 chains, north 52 degrees 30 minutes east 11.40 chains, north 43 degrees east 23.00 chains, north 44 degrees east 35.00 chains, north 49 degrees east 45.06 chains, north 45 degrees east 5.65 chains, north 41 degrees east 52.00 chains, north 35 degrees east 10.00 chains, north 38 degrees east 36.24 chains, north 22 degrees east 22.00 chains, north 26 degrees east 8.00 chains, north 23 degrees east 16.10 chains and north 15 degrees 30 minutes east 40.00 chains to a point on the north line of Section 15, Township 23 South, Range 23 East, M. D. B. & M., distant thereon west 68.00 chains from the northeast corner of said Section 15; thence leaving last said meander line, and along the northern lines of Sections 15, 16, last said township and range, westerly 91.78 chains to the southeast corner of Section 8, last said township and range; thence northerly one-half mile to the east quarter corner of said Section 8; thence westerly one mile to the west quarter corner of said Section 8; thence southerly one-half mile to the southwest corner of said Section 8; thence westerly 86.17 chains to the northwest corner of Section 18, last said township and range, said corner of said Section 18 being also the southeast corner of Section 12, Township 23 South, Range 22 East, M. D. B. & M.; thence north one mile to the northeast corner of Section 12, last named township and range; thence westerly along the northern lines of Sections 12 and 11, last said township and range, 2 miles, more or less to the southeast corner of Section 3, last said township and range; thence northerly one mile, more or less, to the northeast corner of last said Section 3; thence westerly, along the northern line of last said Section 3, 73.15 chains, more or less, to the southeast corner of Section 33, Township 22 South, Range 22 East, M. D. B. & M.; thence

northerly one mile to the northeast corner of last said Section 33; thence westerly one-half mile to the south quarter corner of Section 28, last said township and range; thence northerly one mile to the north quarter corner of last said Section 28; thence westerly along the northern lines of Sections 28 and 29, last said township and range, one mile to the south quarter corner of Section 20, Township 22 South, Range 22 East, M. D. B. & M.; thence northerly along the north and south center lines of the Sections 20, 17, 8 and 5, last said township and range, 3½ miles to the center of last said Section 5; thence westerly along the east and west center lines of Sections 5 and 6, last said township and range, to the west quarter corner of last said Section 6; thence northerly one-half of a mile, more or less, to the southeast corner of Township 21 South, Range 21 East, M. D. B. & M.; thence northerly along the eastern boundary line of last said township and range 2½ miles to the east quarter corner of Section 24, Township 21 South, Range 21 East, M. D. B. & M.; thence westerly one-half of a mile to the center of last said Section 24, thence northerly one-half of a mile to the north quarter corner of said Section 24; thence westerly one-half of a mile to the northwest corner of said Section 24; thence northerly one-half of a mile to the east quarter corner of Section 14, last said township and range; thence westerly one-half of a mile to the center of said Section 14; thence southerly one-half mile to the south quarter corner of said Section 14; thence westerly one-half mile to the southwest corner of said Section 14; thence northerly 2 miles to the northeast corner of Section 10, last said township and range; thence westerly one mile to the northwest corner of last said Section 10; thence northerly three-quarters of a mile to the northeast corner of the southeast one-quarter of the northeast quarter of Section 4, last said township and range; thence westerly one-quarter of a mile to the northwest corner of the southeast one-quarter of the northeast one-quarter of said Section 4; thence southerly along the west line of the east half of the east half of said Section 4 to its intersection with the meander or shore line of Tulare Lake surveyed May 17, 1884, and shown on the township plat of Township 21 South, Range 21 East, M. D. B. & M, approved by the United States Surveyor General of California on October 14, 1884; thence westerly and northwesterly along last said meander line through Sections 4 and 5, last said township and range, to its intersection with the northern line of said Section 5 at a point distant thereon 12.80 chains westerly from the northeast corner of said Section 5; thence westerly along said northern line of said Section 5 a distance of 27 20 chains. more or less, to the north quarter corner of said Section 5; thence southerly along the west line of the east half of said Section 5, a distance of 68.00 chains; thence North 72 degrees West 42.06 chains to a point on the east line of Section 6, last said township and range, distant thereon 26.05 chains northerly from the southeast corner of said Section 6; thence northerly along said east line of

said Section 6, a distance of 21.84 chains, more or less, to the southeast corner of the 154.0 acre tract of land in said Section 6 now or formerly belonging to S. J. Hill; thence westerly along the southerly line of said tract 46.44 chains, more or less, to the southwest corner of said 154.0 acre tract; thence northerly along the westerly line of said tract 33.16 chains, more or less, to a point on the northern line of said Section 6, said point being at the northwest corner of said 154.0 acre tract; thence westerly along the northern line of said Section 6, 39.66 chains, more or less, to the northeast corner of Section 1, Township 21 South, Range 20 East, M. D. B. & M.; thence southerly one and one-half miles to the east quarter corner of Section 12, last said township and range; thence westerly along the east and west center lines of Sections 12, 11, 10 and 9, last said township and range, 4 miles, more or less, to the west quarter corner of last said Section 9; thence northerly along the western lines of Sections 9 and 4, last said township and range, one and one-half miles, more or less, to the northwest corner of last said Section 4; thence westerly along the northern lines of Sections 5 and 6, last said township and range, 2 miles, more or less, to the northeast corner of Section 1, Township 21 South, Range 19 East, M. D. B. & M., and the point of beginning.

Also beginning at a point on the east bank of La Hacienda spillway in Section 13, Township 24 South, Range 21 East, M. D. B. & M., said point being one-half mile south of the north line of said Section 13, and running thence northeasterly in a direct line to the northwest corner of the southwest quarter of the northwest quarter of Section 18, Township 24 South, Range 22 East, M. D. B. & M., thence easterly one and three-quarters miles, more or less, to the northeast corner of the southwest quarter of the northeast quarter of Section 17, last said township and range; thence southerly one-quarter of a mile to the southeast corner of the southwest quarter of the northeast quarter of said Section 17, thence easterly one-half of a mile to the southwest corner of the southeast quarter of the northwest quarter of Section 16, last said township and range; thence northerly one-half of a mile to the northwest corner of the northeast quarter of the northwest quarter of said Section 16; thence easterly three-quarters of a mile to the southwest corner of Section 10, last said township and range; thence northerly one-quarter of a mile to the northwest corner of the south half of the southwest quarter of said Section 10; thence easterly one-half of a mile to the northeast corner of the south one-half of the southwest quarter of said Section 10; thence southerly one-eighth of a mile to the southeast corner of the north one-half of the southeast quarter of the southwest quarter of said Section 10; thence westerly one-quarter of a mile to the southwest corner of the north half of the southeast quarter of the southwest quarter of said Section 10; thence southerly one-eighth of a mile to the southeast corner of the southwest quarter of the southwest quarter of said Section 10; thence westerly one-quarter of a mile to the

northeast corner of Section 16, last said township and range; thence southerly one-quarter of a mile to the southeast corner of the northeast quarter of the northeast quarter of said Section 16; thence westerly one-quarter of a mile to the southwest corner of the northeast quarter of the northeast quarter of said Section 16; thence southerly one-half of a mile to the northwest corner of the southeast quarter of the southeast quarter of said Section 16; thence easterly one-half of a mile to the northeast corner of the southwest quarter of the southwest quarter of Section 15, last said township and range; thence northerly one-half of a mile to the northwest corner of the southeast quarter of the northwest quarter of said Section 15; thence easterly one-quarter of a mile to the northeast corner of the southeast quarter of the northwest quarter of said Section 15; thence northerly one-eighth of a mile to the northwest corner of the south half of the northwest quarter of the northeast quarter of said Section 15; thence easterly one-quarter of a mile to the northeast corner of the south half of the northwest quarter of the northeast quarter of said Section 15; thence northerly one-eighth of a mile to the northwest corner of the northeast quarter of the northeast quarter of said Section 15; thence easterly one-quarter of a mile to the northeast corner of said Section 15; thence southerly one mile to the southeast corner of said Section 15; thence westerly along the southern boundary lines of said Sections 15 and 16, two miles to the northeast corner of Section 20 last said township and range; thence southerly one-half of a mile to the east quarter corner of said Section 20; thence westerly along the east and west center lines of Sections 20 and 19, last said township and range, and continuing along the east and west center line of Section 24, Township 24 South, Range 21 East, M. D. B. & M., a distance of two and three-quarters miles, more or less, to a point on the east bank of La Hacienda spillway in said Section 24; thence northerly along said bank of said spillway one mile to the point of beginning.

SEC. 3 Section 42 of said act is amended to read:

Exclusion of city land

SEC. 42. (1) Any territory within the district and now or hereafter embraced within the boundaries of an incorporated city and not substantially benefited by being within the district or by continued inclusion therein, may be excluded by order of the board upon the verified petition of the owner or owners in fee of lands whose area is in excess of one-half of the area of all lands held in private ownership in such territory.

Petition: Contents

The petition shall describe the territory sought to be excluded, and generally describe the land of each petitioner sought to be excluded, and the land sought to be excluded of each owner of record who does not sign the petition together with the name of its owner according to the records of the county recorder of the county in which the land is situated and shall set forth the reasons why it is claimed that such terri-

tory should be excluded and taken from said district. It shall be filed with the secretary. Same: Filing

Upon the filing of the petition, the secretary shall fix a time when the petition will be presented to the board, which shall be not less than 25 days nor more than 50 days after the filing of the petition, and shall cause 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, a description of the land proposed to be excluded, the names of the petitioners, the time when the secretary will present the petition to the board and that it will come 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, and such notice shall also contain an announcement that any persons interested in the proposed exclusion may appear 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 excluded. Any landowner or taxpayer or other interested person within the district shall have the right to appear at said hearing either in behalf of said petition or in behalf of said written objections. At the time and place mentioned in the notice or at the time to which the hearing of the petition may be adjourned the board shall hear the petition, all of the objections to it presented in writing, and all evidence introduced in support of the petition and objections. The evidence at such hearing shall be taken down in shorthand and a record made of it and filed with the board. 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, 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 or any improvement district embracing such lands so excluded. The president and secretary of the board shall certify that such order has been adopted to the Secretary of State and to the county recorder of each county within which any portion of said district is located. 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

Notice

Hearing

Order

Certificate

area from the district. A copy of such certificate shall be transmitted to and filed with the county clerk of each county in which any portion of the district is situated.

Expense of notice

The expense of giving the notice and of the aforesaid proceedings on exclusion shall be paid by the persons filing the exclusion petition.

Exclusion of other land

(2) Any other territory within the district and not substantially benefited by being within the district or by continued inclusion therein, 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 or its continued inclusion therein and shall pray that such territory be excluded and taken from said district. It shall be filed with the secretary and accompanied by a deposit with the secretary 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

Upon the filing of the petition, the secretary 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, will not be substantially benefited by their continued inclusion in the district. In making a determination upon any such petition for exclusion of lands the State Engineer shall exercise his own independent judgment as to whether the lands described in the petition for exclusion will be substantially benefited by remaining in the district, and the State Engineer shall not be bound by the findings of the Legislature in this act with respect thereto. Upon completing such investigation, the department shall file its report with the secretary, 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.

Report

Upon the filing of the report, the secretary 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

Hearing

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 or any improvement district embracing such lands so excluded. The president and secretary of the board shall certify that such order has been adopted to the Secretary of State and to the county recorder of each county within which any portion of said district is located. 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 each county in which any portion of the district is situated.

Exclusion order

Certification

CHAPTER 1411

An act to amend Sections 20330, 20561, 20565, 20602.6, 20606, 20608.1, 20609, 20609.1, 20609.2, 20812, 20837, 20867, 21021, 21264, 21294, and 21362 of, and to add Sections 20986 and 21210 to, the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 20330 of the Government Code is amended to read:

20330. The following persons are excluded from membership in this system:

Exclusion from membership

(a) Inmates of state or public agency institutions who are allowed compensation for such service as they are able to perform.

(b) Independent contractors who are not employees.

SEC. 2. Section 20561 of said code is amended to read:

Vote of electorate

20561. If the contract was approved by an ordinance adopted by a majority vote of the electorate termination by the contracting agency may be effected not less than one year after authority has been granted by ordinance adopted by a majority vote of the electorate of the contracting agency voting thereon.

SEC. 3. Section 20565 of said code is amended to read:

Rights of members

20565. Upon the termination of a contract, all memberships in this system existing because of that contract continue in existence to the extent that there are accumulated contributions to the credit of each such local member, but any such member may elect to withdraw his accumulated contributions. The status of any such member who does not withdraw his accumulated contributions shall be the same as if the public agency had continued as a contracting agency. The membership of any such member who elects to withdraw his accumulated contributions shall be terminated forthwith, and he shall not be entitled to any further benefit based upon service credited as an employee of the contracting agency, nor shall he have the right to redeposit such withdrawn contributions upon again becoming a member of this system. The portion of the contributions of the contracting agency held under Section 20563 to the credit of each member shall be determined by the board, and may be adjusted from time to time prior to termination of membership. A member whose membership continues under this section is subject to the same age and incapacity requirements as apply to other members for service or for disability retirement, but he is not subject to a minimum service requirement. He shall receive such retirement benefits as his accumulated contributions, together with such portion of the excess of the contributions of the contracting agency as are credited to him, will provide, as determined by the board, but the provisions of this part relative to minimum retirement allowances shall not apply to him, nor shall such benefits exceed the benefits provided by the contract prior to its termination. Upon the death of such a member the basic death benefit shall be his accumulated contributions.

SEC. 4. Section 20602 6 of said code is amended to read:

When contribution rates apply

20602.6. The rates of contribution provided for in Sections 20603.1 and 20604 for warden members shall apply on and after July 1, 1945.

SEC. 5. Section 20606 of said code is amended to read:

Local safety members, Normal contributions

20606. For each local safety member other than a member who is a local motor coach operator, the normal rates of contribution shall be based on his age at his entrance into the retirement system as such a member and, if he is entitled to credit for prior service, his age when he entered fire, police, or county peace officer service, both ages being taken to the pre-

ceding completed quarter year. The age at entrance into fire, police, or county peace officer service shall be determined by deducting the amount of such service for which credit for prior service is granted from his age at his entrance into the retirement system. Entrance age

SEC. 6. Section 20608.1 of said code is amended to read:

20608.1. The rates of contribution provided in Sections 20606.1, 20607, and 20608 for members who are motor coach operators shall apply on and after the respective effective dates of the elections of the respective contracting agencies by which they are employed to be subject to the provisions of this part specifically relating to local motor coach operators. Each such member has the option of contributing a sum sufficient to make the amount of accumulated contributions standing to his credit on the effective date of such election of the contracting agency by which he is employed the same as such amounts would have been had he been contributing at the rates, from and after the effective date of his membership in this system, which would have applied to him, assuming the minimum age for voluntary retirement for service specified for local safety members in the contract, throughout such membership. Local motor coach operators When contribution rates apply Option

The election of said option by any such member shall be made by written notice filed in the office of the board not later than 60 days after the date upon which notice of the right of said election is mailed by this system either to the member's latest address on file in the office of this system or to the office, department, or contracting agency by which the member is or last was employed. Said sum, with interest to the date or dates of payment, may be paid in one sum or in not to exceed 60 monthly payments, subject to such minimum payments as may be fixed by the board.

SEC. 7. Section 20609 of said code is amended to read:

20609. When the employment status of a member changes so that he comes within or leaves a membership category, or when a member changes employer but remains in the same membership category in which the percentage per year of final compensation, for each year of service, to be used in determining his service retirement allowance, varies with age at entry into the category, his normal rate of contribution thereafter shall be that applicable to his membership category after the change, at his then attained age. When a member returns to such a membership category with the same employer, his normal rate of contribution for future years shall be based on an age determined by adding the number of completed years of his absence from such membership category, to the age upon which his normal rate of contribution, as it was prior to his absence, was based. The same percentage of his final compensation per year of service which, prior to his absence, his contributions and those of his employer were calculated to provide upon retirement for service at his lowest optional service retirement age without reduced benefit, shall be used in the calculation of his normal rate of contribution. That percentage Change in employment status

shall be adjusted for any change in that service retirement age made after the member left that membership category. The normal rate of contribution of a member shall be changed to what it would have been had the provisions of this section been in effect when the member returned to his former membership category with the same employer and the accumulated normal contributions of the member shall be adjusted by payments to or from the member.

His accumulated contributions remain in or if redeposited shall be credited to his individual account.

SEC. 8. Section 20609.1 of said code is amended to read:

Rate of contribution on reinstatement

20609.1. Upon a member's re-entry into the retirement system at reinstatement from service or disability retirement, his normal rate of contribution shall be based upon an age determined by adding the number of completed years of his absence from state service while under retirement to the age upon which his normal rate of contribution, as it was prior to retirement, was based. The same percentage of his final compensation per year of service which, prior to retirement, his contributions and those of his employer were calculated to provide upon retirement for service at his lowest optional service retirement age without reduced benefit shall be used in the calculation of his normal rate of contribution at reinstatement. That percentage shall be adjusted for any change in that service retirement age made after the member left state service.

SEC. 9. Section 20609.2 of said code is amended to read:

Rate of contribution where contributions left in system

20609.2. If a member who has elected to allow his accumulated contributions to remain in the Retirement System returns to state service, his normal rate of contribution for future years shall be based on an age determined by adding the number of completed years of his absence from state service to the age upon which his normal rate of contribution, as it was prior to said election, was based. The same percentage of his final compensation per year of service which, prior to such termination, his contributions and those of his employer were calculated to provide upon retirement for service at his lowest optional service retirement age without reduced benefit shall be used in the calculation of his normal rate of contribution at reinstatement. That percentage shall be adjusted for any change in that service retirement age made after the member left state service.

SEC. 10. Section 20812 of said code is amended to read:

Credit for other employment Adjustments, etc

20812. All contributions made pursuant to Sections 20810.5 and 20811 shall be considered to be, and shall be administered as, normal contributions by the member, and his normal rate of contribution and his normal accumulated contributions shall be adjusted to what they would have been if his membership in this system had been effective at the beginning of the time for which the contributions are made pursuant to such sections. The state service credited pursuant to such sections shall be credited as current service or prior service, or both, as it

would be credited if the member had been an employee of the contracting agency throughout the service so credited.

SEC. 11. Section 20837 of said code is amended to read:

Unbroken membership

20837. Prior service credited to a local member shall be the basis for a retirement allowance or benefit only if his membership continues unbroken until retirement on retirement allowance or until the granting of such other benefit, except where his membership was terminated by withdrawal of accumulated contributions and such contributions were redeposited upon re-entrance into state service pursuant to Section 20655, or where the prior service was credited pursuant to Section 20834.1.

SEC. 12. Section 20867 of said code is amended to read:

Employment by State or contracting agencies

20867. If a person has been employed by the State or one or more contracting agencies in any relative order and regardless of whether the employment was before or after the effective date of the contract, and if he has not been paid his accumulated contributions, or having been paid such contributions, he redeposits them, a break of one year or less between such employments does not affect his right to receive credit nor the liability of such employers for all state service rendered in their respective employments, and such service shall be included in the calculation of the liability of the respective employers under said contracts.

If the break is more than one year, and if, with respect only to a person credited with at least 20 years of state service or with at least five hundred dollars ($500) in accumulated contributions, said person has withdrawn his accumulated contributions and does not redeposit them, no liability exists, and he shall not receive credit for state service rendered prior to such break except for prior service as a state member. Time during which the person was under retirement shall not be included in calculating the length of the break.

SEC. 13. Section 20986 is added to Article 2 of Chapter 8 of Part 3 of Division 5 of Title 2 of the Government Code, to read:

Request for refund

20986. At any time prior to the payment of his first retirement allowance, a person whose retirement was compulsory under Article 2 of Chapter 8 may file with the board a request for refund of his accumulated contributions as of the effective date of such retirement, in lieu of any other benefit payable under this part. Upon receipt of such request so filed, such contributions shall be paid to him forthwith and he shall not be entitled to any other benefit payable under this part.

SEC. 14. Section 21021 of said code is amended to read:

Retirement for disability

21021. Any member incapacitated for the performance of duty shall be retired for disability pursuant to this chapter if the amount of his accumulated contributions standing to his credit exceeds five hundred dollars ($500) or if he is entitled to be credited with 10 years of state service, regardless of age.

SEC. 15. Section 21264 of said code is amended to read:

Safety members Benefits to widows children, etc

21264. Upon the death of a local safety member after the effective date of this section and after retirement for service or for industrial disability, including such members heretofore and hereafter retired, one-half his retirement allowance as it was at his death, excluding any portion of said allowance which is based on service other than fire service or police service or any service rendered as an employee of the State or a contracting agency not subject to the provisions of this section or which was derived from accumulated additional contributions of the member, shall be continued throughout life or until remarriage, to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried 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. Should said member leave no surviving wife and no children under the age of 18 years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member at least one year prior to his retirement. If at the effective date of said retirement, said member has no wife, children or dependent parents, who would so qualify and if said member elects as provided in Section 21330 to have the actuarial equivalent of his retirement allowance applied to a lesser retirement allowance, in accordance with an optional settlement, no allowance shall be paid under this Section 21264.

Exceptions

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

SEC. 16. Section 21294 of said code is amended to read:

Local safety member

21294. Upon retirement of a local safety 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. 17. Section 21362 of said code is amended to read:

21362. (a) A member may elect by a writing filed with the board to have all or part of the basic death benefit paid in accordance with either of the following subsections: Payment on election

(1) In monthly installments, fixed in number or amount and not involving life contingency, subject to such rules as the board may adopt. Regular interest shall be credited on the unpaid balance of benefits payable.

(2) In equal monthly installments for the life of the beneficiary, with 120 installments certain.

(b) If a member dies without having made an election under subdivision (a) of this section, his beneficiary, after the death of the member and prior to the payment to him of the basic death benefit or any part thereof, may elect by a writing filed with the board to have the basic death benefit paid to him in the manner provided in subsection (1) of subdivision (a) of this section. The beneficiary may designate a contingent beneficiary to receive any portion of the basic death benefit remaining unpaid at the death of the beneficiary designated by the member.

(c) When an election has been made to have all or part of the basic death benefit paid in accordance with subsection (1) or subsection (2) of subdivision (a) of this section, the first of such installments shall be paid on the first day of the month next following the date when the basic death benefit would otherwise be payable, and one of such installments shall be paid on the first day of each month thereafter. Such monthly installments shall be the actuarial equivalent of the amount of the basic death benefit to be paid in installments, on the date that such basic death benefit would otherwise be payable.

No installments shall be commuted and paid in one sum unless the death of the beneficiary occurs during the period certain for which payments of the monthly installments are guaranteed; and in that event only payments due monthly during the remainder of the period certain shall be commuted, and such commutation shall be based on the rate of interest then being used under the retirement system, and the commuted value shall be paid to the estate of the beneficiary, unless a contingent beneficiary has been named and qualifies to receive the balance of the guaranteed installments.

The board may provide that any election by a member or by a beneficiary under the provisions of this section is void if the amount of the monthly installment is less than the minimum amount fixed by the board.

SEC. 18. Section 21210 is added to said code, to read:

21210. Notwithstanding the provisions of Sections 161a and 172 of the Civil Code, whenever payment or refund is made by this system to a member, former member, beneficiary of a member or estate of a member pursuant to any provision of this part, such payment shall fully discharge this system from all adverse claims thereto unless, before such payment or refund is made, this system has received at its office in Sacra- Effect of payment

mento written notice by or on behalf of some other person that such person claims to be entitled to such payment or refund.

Operative date

SEC. 19. This act shall become operative on the first day of the month next succeeding its effective date, unless its effective date is the first day of the month, in which case it shall become operative on its effective date.

CHAPTER 1412

An act to amend Sections 21027, 21263, and 21367 of the Government Code, relating to the State Employees' Retirement System.

In effect September 7, 1955

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 21027 of the Government Code is amended to read:

Benefits

21027. The board shall proceed with retirement and with the payment of such benefits as are payable when disability is not industrial. If the Industrial Accident Commission subsequently determines that disability is industrial, an amount equal to the benefits paid shall be deducted from the benefits payable under this system because of such determination. No additional benefits shall be payable, however, because disability is determined to be industrial unless the application for such determination is filed with the Industrial Accident Commission or in the office of this system in Sacramento, for transmission to the Industrial Accident Commission, within two years after the effective date of the member's retirement.

SEC. 2. Section 21263 of said code is amended to read:

Patrol members Benefits to widows, children, etc

21263. Upon the death of a patrol member after the effective date of this section and after retirement for service or for industrial disability, including such members heretofore and hereafter retired, one-half his retirement allowance as it was at his death, excluding any portion of said allowance which is based on service other than highway patrol service or which was derived from accumulated additional contributions of the member, shall be continued throughout life or until remarriage, to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried 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. Should said member leave no surviving wife and no children under the age of

18 years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member at least one year prior to his retirement. If at the effective date of said retirement, said member has no wife, children or dependent parents, who would so qualify and if said member elects as provided in Section 21330 to have the actuarial equivalent of his retirement allowance applied to a lesser retirement allowance, in accordance with an optional settlement, no allowance shall be paid under this Section 21263.

SEC. 3. Section 21367 of said code is amended to read:

Determination of industrial death

21367. In the absence of an application to the Industrial Accident Commission, filed by a proper party, the board shall proceed with the payment of the basic death benefit. If an application is filed subsequently with the Industrial Accident Commission and the commission determines that the death was industrial, an amount equal to the basic death benefits paid, if any, shall be deducted from the special death benefit. The special death benefit shall not be payable, however, because the death is determined to be industrial unless the application for such determination is filed with the Industrial Accident Commission or in the office of this system in Sacramento, for transmission to the Industrial Accident Commission, within two years after the date of death of the member.

CHAPTER 1413

An act to add Section 24372 to the Revenue and Taxation Code, relating to bank and corporation tax deductions for the amortization of property used for the control, prevention or abatement of atmospheric pollution and contamination, to take effect immediately.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect immediately

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

SECTION 1. Section 24372 is added to the Revenue and Taxation Code, to read:

Deductions. Amortization of property used for control etc., of atmospheric pollution

24372. (a) Every taxpayer, at its election, shall be entitled to a deduction with respect to amortization of the adjusted basis (for determining gain) of any device, machinery, or equipment for the collection at the source of atmospheric pollutants and contaminants based on a period of 60 months. Such amortization deduction shall be an amount, with respect to

each month of such period within the taxable year, equal to the adjusted basis of the device, machinery, or equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deductions provided by this section with respect to any month shall be in lieu of the deduction with respect to such device, machinery, or equipment provided in Section 24349 relating to exhaustion, wear and tear, and obsolescence. The 60-month period shall begin, at the election of the taxpayer, with the month following the month in which the device, machinery, or equipment was completed or acquired, or with the succeeding income year.

Election of taxpayer

(b) The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the device, machinery, or equipment was completed or acquired, or with the taxable year succeeding the taxable year in which such device, machinery, or equipment was completed or acquired, shall be made in an appropriate statement in the taxpayer's return for the income year in which the device, machinery, or facility was completed or acquired, or in which the certification required by subdivision (d) was made, whichever is later.

Discontinuance

(c) A taxpayer which has elected under subdivision (b) to take the amortization deduction provided in subdivision (a) may, at any time after making such election, discontinue the amortization deductions with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Franchise Tax Board before the beginning of such month. The deduction provided under Section 24349 shall be allowed beginning with the first month as to which the amortization deduction is not applicable, and the taxpayer shall not be entitled to any further amortization deductions with respect to such device, machinery, or equipment.

Determination of basis

(d) In determining for the purposes of this section the adjusted basis of such device, machinery, or equipment, there shall be included only so much of the amount of such adjusted basis (computed without regard to this section) as is properly attributable to the construction, reconstruction, remodeling, installation, or acquisition of such device, machinery, or equipment after December 31, 1954, as certified by the State Department of Public Health.

Tax levy

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

Application date

SEC. 3. The provisions of this act shall be applied only in the computation of taxes for income years beginning after December 31, 1954.

CHAPTER 1414

An act to add Section 17226 to the Revenue and Taxation Code, relating to personal income tax deductions for the amortization of property used for the control, prevention or abatement of atmospheric pollution and contamination, to take effect immediately.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect immediately

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

SECTION 1. Section 17226 is added to the Revenue and Taxation Code, to read:

Deduction Amortization of property used for control, etc., of atmospheric pollution

17226. (a) Every person, at his election, shall be entitled to a deduction with respect to amortization of the adjusted basis (for determining gain) of any device, machinery, or equipment for the collection at the source of atmospheric pollutants and contaminants based on a period of 60 months. Such amortization deductions shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the device, machinery, or equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deductions provided by this section with respect to any month shall be in lieu of the deduction with respect to such device, machinery, or equipment provided in Section 17208 relating to exhaustion, wear and tear, and obsolescence. The 60-month period shall begin, at the election of the taxpayer, with the month following the month in which the device, machinery, or equipment was completed or acquired, or with the succeeding taxable year.

Election of taxpayer

(b) The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the device, machinery, or equipment was completed or acquired, or with the taxable year succeeding the taxable year in which such device, machinery, or equipment was completed or acquired, shall be made in an appropriate statement in the taxpayer's return for the taxable year in which the device, machinery, or facility was completed or acquired, or in which the certification required by subdivision (d) was made, whichever is later.

Discontinuance

(c) A taxpayer which has elected under subdivision (b) to take the amortization deduction provided in subdivision (a) may, at any time after making such election, discontinue the amortization deductions with respect to the remainder of the amortization period, such discontinuance to begin as of the

beginning of any month specified by the taxpayer in a notice in writing filed with the Franchise Tax Board before the beginning of such month. The deduction provided under Section 17208 shall be allowed beginning with the first month as to which the amortization deduction is not applicable, and the taxpayer shall not be entitled to any further amortization deductions with respect to such device, machinery, or equipment.

Determination of basis

(d) In determining for the purposes of this section the adjusted basis of such device, machinery, or equipment, there shall be included only so much of the amount of such adjusted basis (computed without regard to this section) as is properly attributable to the construction, reconstruction, remodeling, installation, or acquisition of such device, machinery, or equipment after December 31, 1954, as certified by the State Department of Public Health.

Tax levy

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

Application date

SEC. 3. This act shall be applied in the computation of taxes for taxable years beginning after December 31, 1954.

CHAPTER 1415

An act to amend Section 57 of the Labor Code, relating to the Department of Industrial Relations.

In effect September 7, 1955

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 57 of the Labor Code is amended to read:

57. Except as otherwise expressly provided by law, each division shall be in charge of a chief who shall be appointed by and hold office at the pleasure of the Governor and shall receive a salary fixed in accordance with law. The chief of each division before entering upon the duties of his office shall execute an official bond to the State in a penal sum fixed in accordance with law, conditioned upon the faithful performance of his duties.

The person holding permanent civil service status as principal labor statistician shall be the Chief of the Division of Labor Statistics and Research, continuing to be subject to all the provisions of the State Civil Service Act.

CHAPTER 1416

An act to amend Section 423 of the Vehicle Code, relating to custody and disposition of security.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 423 of the Vehicle Code is amended to read:

423. Custody and Disposition of Security. (a) Security deposited in compliance with the requirements of this chapter shall be deposited by the department in the special deposit fund with the State Treasurer for the purpose of this section.

(b) Such security shall be available for the following purposes:

(1) Payment of a final judgment or judgments in any amount for bodily injury or in excess of one hundred dollars ($100) for property damage, rendered against the driver or drivers on whose behalf the deposit was made, for damages arising out of the accident in an action at law, begun not later than one year after the date of such accident, or within one year after the date of deposit of any security under Section 422.3, subdivision (c).

(2) Payment of any settlement agreement covering any claim arising out of the accident.

(3) Payment of any final judgment rendered as a result of default under any duly acknowledged settlement agreement.

(c) Every distribution of funds from the security deposit shall be subject to the limits of the department's evaluation on behalf of a claimant but not in excess of the maximum amounts provided in this chapter for bodily injury and for property damage.

CHAPTER 1417

An act to amend Section 1117 of, and to add Section 1122 to, the Labor Code, relating to jurisdictional strikes.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1117 of the Labor Code is amended to read:

1117. As used herein, "labor organization" means any organization or any agency or employee representation committee or any local unit thereof in which employees participate, and exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages,

hours of employment or conditions of work, which labor organization is not found to be or to have been financed in whole or in part, interfered with, dominated or controlled by the employer or any employer association within one year of the commencement of any proceeding brought under this chapter. The plaintiff shall have the affirmative of the issue with respect to establishing the existence of a "labor organization" as defined herein.

As used herein, "person" means any person, association, organization, partnership, corporation, unincorporated association, or labor organization.

SEC. 2. Section 1122 is added to the Labor Code, to read:

1122. Any person who organizes an employee group which is financed in whole or in part, interfered with or dominated or controlled by the employer or any employer association, as well as such employer or employer association, shall be liable to suit by any person who is injured thereby. Said injured party shall recover the damages sustained by him and the costs of suit.

CHAPTER 1418

An act to amend Section 4281 of the Agricultural Code, relating to stabilization and marketing of milk and milk products.

In effect September 7, 1955

[Approved by Governor June 25, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 4281 of the Agricultural Code is amended to read:

4281. Each such plan shall contain provisions whereby the director designates and prescribes or provides methods for designating or prescribing minimum prices to be paid by distributors to producers, for fluid milk in one or more of the various classes; provided, however, that the prices so designated or prescribed shall be based upon the economic relationship of the price of fluid milk for the marketing area involved to the price of manufacturing milk, taking into consideration the additional costs incurred in producing and marketing fluid milk over and above costs incurred in producing and marketing manufacturing milk, and also taking into consideration all of the purposes, policies, and standards contained in Sections 4200, 4201, 4204, 4205, and 4246; and provided further, the director finds that such prices will insure consumers a sufficient quantity of pure and wholesome milk, including a reasonable estimate of the additional supply which is needed to provide for normal fluctuations in consumer demand for fluid milk, cream, and skim milk for Class 1 purposes for such marketing area.

CHAPTER 1419

An act to amend Section 72604 of the Government Code, relating to court reporters in municipal courts in counties having a population of 2,000,000 or over.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 72604 of the Government Code is amended to read:

Los Angeles County Municipal Court reporters. Salary

72604. Notwithstanding the provisions of Section 274c of the Code of Civil Procedure and Sections 69947 to 69953, inclusive, of the Government Code, or any other provision of law in conflict herewith, in each municipal court in counties having a population of 2,000,000 inhabitants, or over, as determined by the 1950 federal census, except in municipal court districts where a statute provides otherwise, the official reporter and official reporters pro tempore shall receive for their services a fee of twenty-seven and 50/100 dollars ($27.50) per day. All other fees of such reporters for transcriptions shall be as provided in Sections 69947 to 69953 of the Government Code.

CHAPTER 1420

An act to amend Section 1152 of the Probate Code, relating to the authority of public administrators.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1152 of the Probate Code is amended to read:

1152. The authority of a public administrator, except where the compensation of such public administrator is paid by salary, to administer an estate upon which letters have been issued to him does not cease by virtue of the termination of his office as public administrator, but his authority and duties as administrator of such estate continue until he is discharged, as in the case of other administrators. Where the compensation of the public administrator is paid by salary and not by fees, the authority of such public administrator shall cease upon the termination of his tenure of office as such public administrator. Upon written application of his successor in office the superior court shall order the issuance of letters of administration upon each such estate to such successor in office forthwith and without notice as of the date of such termination of tenure.

CHAPTER 1421

An act to amend Section 1305 of the Penal Code, relating to bail.

In effect September 7, 1955

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 1305 of the Penal Code is amended to read:

1305. If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes and the undertaking of bail, or the money deposited instead of bail, as the case may be, must thereupon be declared forfeited. But if at any time within 90 days after such entry in the minutes, the defendant and his bail appear, and satisfactorily excuse the defendant's neglect or show to the satisfaction of the court that the absence of the defendant was not with the connivance of the bail, the court may direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within said 90 days after such entry in the minutes, it be made to appear to the satisfaction of the court that the defendant is dead or is physically unable, by reason of illness or insanity, or by reason of detention by civil or military authorities, to appear in court at any time during said 90 days, and that the absence of the defendant was not with the connivance of the bail, the court may direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just.

CHAPTER 1422

An act to add Section 653 to the Penal Code, relating to tattooing of minor.

In effect September 7, 1955

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 653 is added to the Penal Code, to read:

653. Every person who tattoos or offers to tattoo a person under the age of 18 years is guilty of a misdemeanor.

As used in this section, to "tattoo" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin.

This section is not intended to apply to any act of a licensed practitioner of the healing arts performed in the course of his practice.

CHAPTER 1423

An act to amend Section 70053 of, and to add Sections 70041.5, 70045.7, and 70054.6 to, the Government Code, relating to official reporters.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 70041.5 is added to the Government Code, to read:

70041.5. Unless otherwise specifically provided, the provisions of this article apply to a county with a population of over 45,000 and under 46,750, as determined on the basis of the 1950 federal census.

Official reporters and fees. Application to Napa County

SEC. 2. Section 70053 of said code is amended to read:

70053. In addition to fees required by other laws, each party shall, or the parties appearing jointly shall jointly, pay the county clerk of the county the fee specified in Sections 70054 to 70059, inclusive, in each of the following instances:

Additional fees

(a) Where Section 26821 requires the party or parties to pay the 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.

(b) Where Sections 26822 to 26825, inclusive, require the party or parties to pay the 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. This subdivision does not apply to a county with a population of 70,000 or less by the 1940 census, or over 295,000 and under 500,000 by the 1950 census.

(c) Where Section 26822 requires the party or parties to pay the 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. This subdivision applies only to a county with a population of 70,000 or less by the 1940 federal census, or over 295,000 and under 500,000 by the 1950 federal census.

(d) Where Section 26826 requires the party or parties to pay the clerk a fee on the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, corespondent, or adverse party, except in an appeal from an inferior court. If any of such parties appear jointly they shall pay but one such additional fee of three dollars ($3), four dollars ($4), five dollars ($5), or six dollars and fifty cents ($6.50) as determined by Sections 70054 to 70059, inclusive.

(e) Where Section 26827 requires the party or parties to pay the clerk a fee for the filing of a petition or other paper in a probate or guardianship matter.

Napa County official reporter Salary

SEC. 3. Section 70045.7 is added to said code, to read:

70045.7. In a county with a population of over 45,000 and under 46,750, each regular official reporter shall be paid an annual salary of seven thousand dollars ($7,000), and each pro tempore official reporter shall be paid twenty-five dollars ($25) a day for the days he actually is on duty under order of the court.

Fee

SEC. 4. Section 70054.6 is added to said code, to read:

70054.6. In a county with a population of over 45,000 and under 46,750, the fee required by Section 70053 shall be five dollars ($5).

CHAPTER 1424

An act to amend Section 274c of the Code of Civil Procedure, and to add Section 72195 to the Government Code, relating to official reporters.

In effect September 7, 1955

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 274c of the Code of Civil Procedure is amended to read:

274c. Official reporters of a municipal court, 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.

SEC. 2. Section 72195 is added to the Government Code, to read:

72195. Government Code Sections 69942 to 69953, inclusive, and Section 273 of the Code of Civil Procedure are hereby made applicable to the qualifications, duties, official oath, certification of transcripts and fees of official reporters of municipal courts, except that the fee for reporting testimony and proceedings in contested cases, except for official reporters of municipal courts where a statute provides otherwise, is twenty-five dollars ($25) a day.

CHAPTER 1425

An act to amend Section 5402 of the Public Resources Code, relating to recreation, park and parkway districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect immediately

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

SECTION 1. Section 5402 of the Public Resources Code is amended to read:

Formation

5402. Any city or portion thereof, or any portion of the unincorporated area of any county not included in any other park, recreation, and parkway district and lying entirely outside of any national forest may be formed into a park, recreation, and parkway district.

Powers

The district may acquire by gift, lease, purchase, eminent domain, or any other manner, all necessary and proper lands and do all necessary and proper construction and work, including the planting of trees and shrubs, to secure, maintain and operate an adequate system of parks, recreation grounds, facilities for community recreation, and parkways within the district.

The district may acquire such lands and facilities or any portion thereof by means of a plan to borrow money or by purchase on contract. The amount of indebtedness to be incurred shall not exceed an amount equal to the anticipated tax income for a two-year period, and all such indebtedness shall be repaid in approximately equal annual installments during a period not to exceed five years from the date on which it is incurred and shall bear interest at a rate not exceeding 6 percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the governing body of the district and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the governing body of the district. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, the governing body of the district shall levy and collect a tax sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. The indebtedness authorized to be incurred by this paragraph shall be in addition, and the provisions of this paragraph shall not apply, to any bonded indebtedness authorized by vote of the electors.

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:

Recreational facilities are urgently needed throughout the State to provide for California's rapidly growing population. In order to provide financing for such facilities and thereby to preserve the health and safety of the people of the State, it is necessary that this act take effect immediately.

CHAPTER 1426

An act to amend Sections 587 and 1515 of the Probate Code, relating to guardians, executors and administrators.

In effect September 7, 1955

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 587 of the Probate Code is amended to read:

Conveyance, etc., for public use Decedent's estate

587. Whenever it is for the advantage, benefit and best interest of the estate, and those interested therein, the executor or administrator may, either with or without consideration: (1) dedicate or convey any real property of the estate or interest therein to the State or any county or municipal corporation, or the United States of America or any agency or instrumentality thereof, for street or highway purposes; (2) dedicate or convey an easement over any real property of the estate to the State or any county, municipal corporation, public district, any person, firm, association or public or private corporation, or the United States of America or any agency or instrumentality thereof; or (3) convey, release or relinquish to the State or any county or municipal corporation any access rights to any street, highway or freeway from any real property of the estate, upon order of court based upon the petition of the executor or administrator or of any person interested in the estate, and after notice of the hearing given for the period and in the manner required by Section 1200 of this code.

SEC. 2. Section 1515 of the Probate Code is amended to read:

Same Ward's estate

1515. Whenever it is for the advantage, benefit and best interests of the estate and those interested therein, the guardian may, either with or without consideration: (1) dedicate or convey any real property of the estate or interest therein to the State or any county or municipal corporation, or the United States of America or any agency or instrumentality thereof, for street or highway purposes; (2) dedicate or convey

an easement over any real property of the estate to the State or any county, municipal corporation, public district, or any person, firm, association or public or private corporation, or the United States of America or any agency or instrumentality thereof; or (3) convey, release or relinquish to the State or any county or municipal corporation any access rights to any street, highway or freeway from any real property of the estate, upon order of court based upon the petition of the guardian or of any person interested in the estate, and after notice of the hearing given for the period and in the manner required by Section 1200 of this code.

CHAPTER 1427

An act conveying certain tide and submerged lands to the City of Manhattan Beach, in furtherance of navigation, commerce, and fisheries upon certain trusts and conditions, and providing for the government, management, use and control thereof.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect September 7, 1955

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

SECTION 1. There is hereby granted to the City of Manhattan Beach, a municipal corporation, and to its successors, all of the right, title and interest of the State of California, held by said State by virtue of its sovereignty in and to all tide and submerged lands, whether filled or unfilled, lying within the corporate limits of the City of Manhattan Beach, bordering upon, in, under and adjacent to the waters of the Pacific Ocean, and situated below the mean high tide line of the Pacific Ocean, to be forever held by said city, and its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

Conveyance of tidelands to City of Manhattan Beach

(a) That said lands shall be used by said city, and its successors, only for the establishment, improvement and conduct of a harbor and the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, roadways, parking areas and other utilities, structures, facilities and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, and for the construction, maintenance and operation of public buildings, public works and playgrounds, and for public recreational purposes; and said city, 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 purpose whatsoever; provided, however, that nothing herein contained shall be so construed as to prevent the city from granting easements, franchises or leases for limited periods not exceeding 50 years,

Limitations on use

or rights of way in, under, over or across said tidelands or submerged lands for power, telephone, telegraph or cable lines or landings, sewage, disposal conduits, wharves and other public uses and purposes not inconsistent with the trusts upon which said lands are held, and collect and retain rents from such leases, franchises and privileges.

Improvement of lands

(b) That said lands shall be improved by said city 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 constructed on said lands, or any part thereof, for any vessel or other watercraft or railroad owned or operated by the State of California.

Management

(c) That in the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a) hereof, 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 city or its successors.

Fishing rights

(d) 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 purpose, is hereby reserved to the people of the State of California; provided, however, that said city may take such measures as may be necessary in the interests of public safety to protect persons from moving vessels.

Reservation of mineral rights

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said lands, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said lands.

Reservation of right of way

(f) Said lands 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 city, or its successors, 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 highway 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.

Records plat, etc

SEC. 2. The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the County Recorder of Los Angeles County, the area of state lands described in this act. Said city shall enter into a contract with the State Lands Commission for surveying, monumenting and platting the area of state lands described in this act, and shall, upon submission of invoices by the State Lands Commission, pay said costs.

Severability

SEC. 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Acceptance of state funds

SEC. 4. Nothing contained in this act shall preclude the city from accepting and retaining any grant of funds from the State made available for the purpose of aiding in the development of said lands for any public purpose not inconsistent with the promotion and accommodation of commerce and navigation.

CHAPTER 1428

An act to add Article 29.5 to Chapter 10, Title 8 of the Government Code, relating to the municipal court established in Santa Rosa Judicial District.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect September 7, 1955

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

SECTION 1. Article 29.5 is added to Chapter 10, Title 8 of the Government Code, to read:

Article 29.5. Santa Rosa

Municipal court Santa Rosa Judicial District

74700. This article applies to the municipal court established in Santa Rosa Judicial District.

Number of judges

74701. There shall be one judge.

Clerk Salary, etc

74702. There shall be one clerk who shall receive a minimum salary of three hundred eleven dollars ($311) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), sixteen dollars ($16) and seventeen dollars ($17) to a maximum of three hundred seventy-four dollars ($374) monthly.

74703. The clerk may appoint:

Deputy clerks Salary, etc

(a) Three deputy clerks grade IV each of whom shall receive a minimum salary of two hundred seventy-one dollars ($271) monthly with annual increments of thirteen dollars ($13), thirteen dollars ($13), fourteen dollars ($14) and fifteen dollars ($15) to a maximum of three hundred twenty-six dollars ($326) monthly.

(b) One deputy clerk grade III who shall receive a minimum salary of two hundred forty-seven dollars ($247) monthly, with annual increments of twelve dollars ($12), twelve dollars ($12), thirteen dollars ($13) and thirteen dollars ($13) to a maximum salary of two hundred ninety-seven dollars ($297) monthly.

(c) Two deputy clerks grade II each of whom shall receive a minimum salary of two hundred fifteen dollars ($215) monthly, with annual increments of ten dollars ($10), eleven

dollars ($11), eleven dollars ($11) and twelve dollars ($12) to a maximum of two hundred fifty-nine dollars ($259) monthly.

(d) Two deputy clerks grade I each of whom shall receive a minimum salary of one hundred ninety-six dollars ($196) monthly, with annual increments of nine dollars ($9), ten dollars ($10), ten dollars ($10) and eleven dollars ($11) to a maximum of two hundred thirty-six dollars ($236) monthly.

Sheriff, deputies, etc.

74704. The sheriff shall be ex officio marshal and he shall provide such necessary deputies as are required to serve as deputy marshals of the court.

Deposit of fees

74706. All fees collected by the marshal or his deputies shall be deposited with the county treasurer.

Sick leave, etc., benefits

74707. All officers and employees shall be entitled to the privileges afforded county employees in the Sonoma County Salary Ordinance with respect to sick leave, vacations, and other benefits.

CHAPTER 1429

An act making an appropriation for support of the Division of Administrative Procedure, Department of Professional and Vocational Standards, to take effect immediately.

In effect immediately

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury, not otherwise appropriated, the sum of thirty-five thousand four hundred twenty-five dollars ($35,425) in augmentation of Item 206, Budget Act of 1954, for support of the Division of Administrative Procedure, Department of Professional and Vocational Standards.

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

CHAPTER 1430

An act making an appropriation for workmen's compensation benefits for state officers and employees, to take effect immediately.

In effect immediately

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury, not otherwise appropriated, the sum of one hundred ten thousand dollars ($110,000) in aug-

mentation of Item 275, Budget Act of 1954, for compensation benefits to state officers and employees.

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

CHAPTER 1431

An act making an appropriation for the support of the Department of Alcoholic Beverage Control, to take effect immediately.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.] In effect immediately

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

SECTION 1. The sum of sixty-five thousand dollars ($65,000) is hereby appropriated from the General Fund for the support of the Department of Alcoholic Beverage Control for expenditure during the 1954-1955 Fiscal Year. Out of the sum hereby appropriated there shall be transferred by the Controller to the Emergency Fund specified in Item 279 of the Budget Act of 1954 the sum expended therefrom during the 1954-1955 Fiscal Year for the support of the Department of Alcoholic Beverage Control in order to reimburse such Emergency Fund for the amount so expended.

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

CHAPTER 1432

An act making an appropriation for the support of the Alcoholic Beverage Control Appeals Board, to take effect immediately.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.] In effect immediately

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

SECTION 1. The sum of forty-three thousand nine hundred fifty dollars ($43,950) is hereby appropriated from the General Fund for the support of the Alcoholic Beverage Control Appeals Board for expenditure during the 1954-55 Fiscal Year. Out of the sum hereby appropriated there shall be transferred by the Controller to the Emergency Fund specified in Item 279 of the Budget Act of 1954 the sum expended

therefrom during the 1954-55 Fiscal Year for the support of the Alcoholic Beverage Control Appeals Board in order to reimburse such emergency fund for the amount so expended.

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

CHAPTER 1433

An act to add Sections 11256, 11257, 11258, 11259, 11260, 11261, 11262 and 11263; to repeal Sections 11310, 11311, 11312, 11313, and 11314; and to amend Sections 11044 and 15104 of the Government Code, relating to interagency services and transactions in the State Government, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Sections 11256, 11257, 11258, 11259, 11260, 11261, 11262 and 11263 are added to the Government Code, to read:

Performance of work by one state agency for another

11256. Subject to approval of the Director of Finance, state agencies may furnish services, materials or equipment to, or perform work for, other state agencies upon such terms and conditions and for such considerations as they may determine and, subject to such approval, may enter into agreements for such purpose. The state agency furnishing or performing said work, services, materials or equipment shall include in its charges therefor such direct and indirect costs to the State in furnishing or performing said work, services, materials or equipment as may be approved by the Director of Finance, and such state agency shall compute said charges in a manner approved by the Director of Finance.

The Director of Finance, upon such terms and conditions as he may prescribe, may except from his approval, or grant blanket approval for, the performance of any work, the furnishing of any services, materials or equipment, the entering into of any agreements, the computation of any charges, or the inclusion of any costs provided for herein.

Advancing funds

11257. State agencies may provide for the advancing of funds as herein provided to defray the charges mentioned in Section 11256. Any state agency may, and upon order of the Director of Finance shall, authorize such advances from any fund or appropriation available to it for payment for work, services, materials, or equipment to the fund or appropriation of the state agency which is to perform such work or render such services or furnish any materials or equipment to it, an amount equal to the estimated charges therefor or in an amount

determined by the Director of Finance, and the State Controller shall transfer any amounts so authorized or determined.

Estimate

11258. Any state agency which normally, as a part of its regular operating functions, is engaged in the business of performing work for, or furnishing services, materials or equipment to, other state agencies shall, at its request, be furnished by such other state agencies with a written estimate of the amount which such state agencies expect to expend for such work, services, materials or equipment during a period designated by the state agency requesting said estimate, not exceeding one year. The State Controller from time to time shall transfer the amount so estimated by each state agency, or such portion thereof as he may determine; provided, that he shall transfer any amount ordered by the Director of Finance on the basis of such estimate or otherwise, from the fund or appropriation from which payment is expected to be made for such work, services, materials or equipment to the fund or appropriation of the state agency which is to perform such work, or render such services or furnish any materials or equipment.

Disposal of moneys received

11259. All money received by any state agency, other than the Regents of the University of California, for charges for work, services, materials or equipment shall be deposited in the State Treasury and, except advances or transfers under Sections 11257 and 11258, credited by the State Controller to the fund or appropriation from which the cost of such work, services, materials or equipment was or will be paid.

All money received by the Regents of the University of California under this article shall be added to the other funds provided for the use of the University of California and used in the same manner.

Accounts

11260. After work is performed, services are rendered or materials or equipment are furnished pursuant to advances or transfers made under Sections 11257 and 11258, the State Controller shall adjust his accounts relating to said advances or transfers to provide for the crediting from time to time of funds or appropriations as set forth in Section 11259. Any agency receiving an advance or transfer under Sections 11257 or 11258 shall remain fully accountable therefor to the State Controller who shall audit as provided in Section 12410, and apply expenditures in reduction of the applicable advance or transfer.

Amounts advanced or transferred

11261. Amounts advanced or transferred in accordance with Sections 11257 and 11258 shall be available for expenditure for the same period and purpose as the appropriation from which the advance or transfer is made. All or any portion of the amounts so advanced or transferred may be returned by transfer by the State Controller to the fund or appropriation from which originally advanced or transferred under Sections 11257 and 11258; provided, that upon final determination of the charges made or to be made under this article the unexpended balance of the amount advanced or transferred shall be returned to said fund or appropriation.

Refund for overpayment, etc

11262. Whenever any payment heretofore or hereafter made by a state agency for work, services, materials or equipment performed or furnished under this article or any other law by another state agency was erroneous, in excess of the amount that should have been paid or was unearned, the State Controller shall, upon request of the state agency which received such payment, refund such erroneous, excess or unearned amount by transferring an amount equal thereto from the fund or appropriation credited with the overpayment to the fund or appropriation from which said payment was made.

"State agency"

11263. The term "state agency" or "state agencies" as used herein includes the Department of Finance.

SEC. 2. Section 11044 of the Government Code is amended to read:

Attorney General's services

11044. The cost of all legal services rendered by the Attorney General or his deputies or assistants for a state agency which is supported otherwise than by appropriations from the General Fund is a charge against, and shall be paid from funds available by law for the support of the agency, and shall be fixed and determined by the Attorney General. Such payments shall be paid into the State Treasury to the credit and in augmentation of the appropriation for the support of the Attorney General's Office from which the cost of said services was or will be paid. Such costs may be prorated under a formula approved by the Department of Finance.

SEC. 3. Section 15104 of the Government Code is amended to read:

Credit of sums deposited

15104. All sums so deposited shall be credited by the Controller to the appropriation for the support of the bureau from which the cost of such teletype services were paid, and shall be used by the bureau for the same purposes for which the appropriation was made.

Repeal

SEC. 4. Sections 11310, 11311, 11312, 11313 and 11314 of the Government Code are hereby repealed.

Operative date

SEC. 5. This act shall become operative on July 1, 1955.

Urgency

SEC. 6. 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 interagency transactions of the various agencies in the State Government represent a multimillion dollar volume of transactions annually which necessitates accounting procedures and controls flexible enough to maintain and reflect the current status of the separate appropriations and funds. Unless changes in such procedures become effective at the beginning of a fiscal year, a great many adjustments in the various accounts of the state agencies must be made with a resultant increase in cost of government and possible delay in the performance of essential governmental services. It is therefore necessary that this act take effect immediately.

CHAPTER 1434

An act to provide for a study of the junction point barrier and appurtenant facilities, the Abshire-Kelly Salinity Control Barrier Act of 1955, relating to barriers for salinity and flood control purposes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

In effect immediately

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

Appropriation

SECTION 1. There is hereby appropriated to the Water Project Authority the sum of one hundred thousand dollars ($100,000), payable from the Flood Control Fund of 1946, to initiate the further investigation and study of the Junction Point Barrier and Chipps Island Barrier and appurtenant facilities, as such barriers and facilities are described in the report of the Water Project Authority to the Legislature entitled "Feasibility of Construction by the State of Barriers in the San Francisco Bay System," dated March, 1955, for the purposes of developing complete plans of the means of accomplishing delivery of fresh water to the San Francisco Bay area, including the Counties of Solano, Sonoma, Napa, Marin, Contra Costa, Alameda, Santa Clara, San Benito, and San Mateo, and the City and County of San Francisco, providing urgently needed flood protection to agricultural lands in the Sacramento-San Joaquin Delta, conducting subsurface exploration work in the delta and designing facilities appurtenant to the cross-delta aqueduct, obtaining more complete information on the hydrology of the delta, and studying integration of the proposed project in the California Water Plan.

Contract powers of Water Project Authority

SEC. 2. The Water Project Authority may contract with such other public agencies, federal, state, or local, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the Water Project Authority as will best assist it to carry out this act. The Water Project Authority may also employ, by contract or otherwise, such private consulting engineering and other technical services as it deems necessary for the rendition and affording of such services, facilities, studies, and reports as will best assist it to carry out this act.

Cooperation with federal agencies, etc

SEC. 3. It is the intent of the Legislature that in conducting the study and investigation the Water Project Authority shall confer and exchange information with and shall seek the participation of the United States Navy, the United States Bureau of Reclamation, the United States Corps of Engineers and the local port districts to the extent possible.

Report

SEC. 4. The Water Project Authority shall report to the Legislature the result of its study and investigation not later than March 30, 1957.

Short title

SEC. 5. This act shall be known and may be cited as the Abshire-Kelly Salinity Control Barrier Act of 1955.

Urgency

SEC. 6. 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 areas adjacent to the San Francisco Bay urgently need an adequate supply of fresh water for domestic and industrial uses. It is essential to the public health, safety and welfare that a study of salinity control barriers as a means of securing such a supply of fresh water, be undertaken without delay.

CHAPTER 1435

An act to amend Section 27 of an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights of way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating to public works programs, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 27 of the act cited in the title hereof is amended to read:

Sec. 27. Any money appropriated by this act for allocation to local agencies which is not expended by the State or for which application is not made on or before January 1, 1957, shall revert to the General Fund in the State Treasury. No claims for payment in connection with such applications shall be allowed unless the same are presented to the Director of Finance on or before June 30, 1958, except in cases of condemnation proceedings to acquire real property instituted prior to and pending on the latter date.

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

In order that needed public works may be constructed, including public works necessary for sewerage, storm drain and water facilities, it is necessary that land be acquired and plans

prepared. Rising costs of construction materials, lack of professional assistance and the accumulation of local matching funds have caused many cities, counties and districts to defer the preparation of plans, thus delaying their requests for state matching funds. Plans can now be prepared which will result in requests from local political subdivisions for the funds made available on a matching basis by this act.

It is essential that the preparation of plans and the acquisition of sites for the public works program contemplated by the act cited in the title hereof proceed without delay and therefore it is necessary that this act go into effect immediately.

CHAPTER 1436

An act to amend Section 26 of the Construction and Employment Act (Chapter 20 of the Statutes of 1946, First Extraordinary Session), relating to allocation of state funds to local agencies for the construction of public works, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.] In effect immediately

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

SECTION 1. Section 26 of the act cited in the title hereof is amended to read:

Sec. 26. Any money appropriated by this act for allocation to local agencies which is not obligated for expenditure by the State or for which application is not made on or before January 1, 1957, 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 June 30, 1958. Any money appropriated by this act for support of the Controller and for support of the director and the department shall be available for expenditure until June 30, 1958; provided, however, that encumbrances made against said money during its period of availability may be paid at any time until June 30, 1959.

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:

There is a continuing need for a program of public works by local governmental agencies for the purposes set forth in the Construction and Employment Act. Unless this act takes effect immediately that program will terminate on June 30, 1955, with resulting adverse effect upon the people and the economy of this State, and to the detriment of many local governmental agencies.

CHAPTER 1437

An act to add Sections 50, 51, and 52 to the Construction and Employment Act (Statutes of 1946 (First Extraordinary) Session, Chapter 20), relating to the allocation of funds to cities, making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 27, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 50 is added to the Construction and Employment Act, to read:

Application for allocation from appropriation Cities incorporated between April 30, 1946, and July 1, 1946

Sec. 50. Any city incorporated on or after April 30, 1946, and before July 1, 1946, may apply for an allocation from the appropriation made in Section 52 for expenditure within such cities for the purpose of paying the cost of reconstruction, improvement, and repairs of municipally owned water systems. 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 April 30, 1946, and before July 1, 1946, and be in addition to any other allocations made to such cities pursuant to this act.

SEC. 2. Section 51 is added to the Construction and Employment Act, to read:

Cities incorporated between October 13, 1954, and January 1, 1955

Sec. 51. Cities incorporated on or after October 13, 1954, and before January 1, 1955, may apply for an allocation from the appropriation made in Section 52 for expenditure within such cities for the purpose of defraying the State's share of the cost of 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 13, 1954, and before January 1, 1955. In the case of a city incorporated subsequent to the date of official publication of the 1950 federal decennial census the population shall be ascertained 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. 3. Section 52 is added to the Construction and Employment Act, to read:

Appropriation

Sec. 52. The sum of forty-one thousand four hundred sixteen dollars ($41,416) is hereby appropriated without regard to fiscal years, from any moneys appropriated by this act for allocation to local agencies which is not obligated for expenditure by the State or for which application has not been made on or before the last date for filing applications as specified in Section 26 of this act as that section now reads or as it may be amended at this session, whichever date is later. The money

so appropriated shall not revert to the General Fund as provided in Section 26. Of the money so appropriated 50 percent shall be expended in carrying out the provisions of Section 50 of this act and 50 percent shall be expended in carrying out the provisions of Section 51 of this act.

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: Urgency

The certain cities incorporated during the era immediately following World War II are unable to provide a water supply sufficient to meet immediate health and safety requirements. Because such cities lack funds needed to repair their existing water systems to meet the requirements of rapid growth and to protect the people of the State, it is necessary that this act take effect immediately.

CHAPTER 1438

An act to amend Section 7722 of the Education Code, relating to state school building aid.

[Approved by Governor June 28, 1955. Filed with Secretary of State June 28, 1955.] In effect September 7, 1955

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

SECTION 1. Section 7722 of the Education Code is amended to read:

7722. No apportionment shall be made to a school district for any grade level if the estimated cost of the project, as approved by the Director of Finance, is (1) an amount which would result in an apportionment to the district exceeding the amount authorized at the district election held under Section 7719, or (2) is an amount which if raised by the issuance and sale of bonds of the district running for 25 years bearing the current going rate of interest as determined by the board and the principal of which is payable in 25 equal annual payments, would require the levy of a tax under Section 7516 upon property in the district which would, when added to the tax actually being levied upon property in the district for the grade level as determined by the Director of Finance under said section, amount to less than thirty cents ($0.30) on each one hundred dollars ($100) of assessed valuation of property in the district during the next fiscal year.

At the time the board makes an apportionment, it shall, with the approval of the Director of Finance, fix the interest to be paid by the district on the sum apportioned to it at a rate equal to the effective rate paid by the State upon the bonds sold from the proceeds of which the apportionment is

made, giving effect to the price at which the bonds are sold and the premium, if any, paid thereon, adjusted to the next highest one-eighth of 1 percent, to cover the cost of sale and issuance of the bonds and costs of administration, to be compounded annually on the first day of January of each year.

The Controller shall recompute the rates of interest fixed for apportionments made prior to the amendment to this section made at the 1955 Session of the Legislature in accordance with this section as amended at such session and shall adjust the records of his office in order to show such recomputation.

CHAPTER 1439

An act to add Sections 7723 and 7723.1 to the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 28, 1955. Filed with Secretary of State June 28, 1955.]

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

SECTION 1. Section 7723.1 is added to the Education Code, to read:

Apportionments

7723.1. The State Allocation Board may make apportionments to school districts pursuant to this chapter in amounts which, when added to amounts previously apportioned, do not exceed the total amount of state school building bonds authorized by Article XVI of the California Constitution, the proceeds of which are for grants and loans to school districts as provided by said Article XVI, before the sale of such bonds and the deposit of the proceeds thereof in the State School Building Aid Fund if it designates any such apportionment as being subject to the sale of bonds in a sufficient amount, and the deposit of the proceeds thereof, in such fund.

SEC. 2. Section 7723 is added to said code, to read:

Rate of interest

7723. Notwithstanding any provision to the contrary after the effective date of this section, at the time the board makes an apportionment, the board, with the approval of the Director of Finance, shall, pursuant to this section, fix the rate of interest to be paid by the district on the sum apportioned to it. The board shall compute the average of the rates of interest which the State pays upon the state school building bonds, authorized by Article XVI, sold at the three sales of state school building bonds occurring immediately prior to the apportionment, or, if the board so determines, at all of the sales of such bonds occurring in the two years immediately prior to the apportionment, giving effect to the price at which the state school building bonds sold at such sales, and the premium, if any paid, thereon. Such average rate shall be adjusted to the next highest one-tenth of 1 percent to cover the cost of sale and

issuance of the bonds and costs of administration. Such adjusted average rate shall be the rate paid by the district on its apportionment, and shall be compounded annually on the first day of January of each year.

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:

Under the existing law the state school building bonds must be sold and the proceeds thereof available before the State Allocation Board can make a final apportionment of such proceeds to the school districts even though the full amount of such apportionment will be actually disbursed to the district over a period of time. Such a method is unnecessarily wasteful of State General Fund money in that it costs the State in the interest payments on the state bonds, several million dollars a year. Under this act the apportionments would be made payable out of the proceeds of the state bonds when they are sold, and bonds will be sold when needed for disbursement to the school districts, thus avoiding the holding in the State Treasury of funds earmarked for particular school districts but not yet needed by the districts under their building schedule. In order that this savings of state funds may be made as soon as possible it is essential that this act take effect immediately.

CHAPTER 1440

An act to add Part 3.5 to, Division 5, Title 2 of, and to amend Section 16395, of the Government Code, relating to the State Employees' Retirement System, in respect to the integration therein of the old age and survivors insurance coverage, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 29, 1955.]

In effect September 7, 1955

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

SECTION 1. Part 3.5 is added to Division 5, Title 2 of the Government Code, to read:

PART 3.5. INTEGRATION OF OLD AGE AND SURVIVORS INSURANCE

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

Article 1. General Provisions

Legislative intent

21600. It is the intent of the Legislature that the enactment of this part shall authorize persons in positions covered

by the State Employees' Retirement System to participate in the federal old age and survivors insurance provisions of the Social Security Act without jeopardizing the continued maintenance of their state system.

To this end and notwithstanding any other provisions of the State Employees' Retirement Law, the provisions of this part shall supersede or modify any inconsistent provision in such law in its application to every member whose position is included in an agreement between the State and the Federal Government for coverage under the old age and survivors insurance provisions of the Social Security Act. The provisions of this part shall be applicable to each such employee upon the effective date of the agreement or modification of agreement which includes such employees' position.

The provisions of the State Employees' Retirement Law are not repealed by this part however, and except as superseded or modified by this part in their application to members who are covered by old age and survivors insurance, they shall continue to be fully effective and operative.

Notice and referendum

21601. The board shall give notice and shall conduct a referendum pursuant to applicable provisions of law, to determine whether state employees, including employees of the University of California, who are in positions covered by the State Employees' Retirement System shall be included in an agreement or modification of an agreement for coverage under the federal system.

Effective date of coverage

21602. The modification of the agreement which the board shall execute pursuant to Section 22210 of this code when a majority of eligible state and university employees in positions covered by the State Employees' Retirement System have voted in favor of inclusion in the federal system shall provide an effective date of coverage under the federal system of January 1, 1955, for all employees included in the terms of the modification.

Article 2. Definitions

Construction

21610. Unless the context otherwise requires the definitions and general provisions set forth in this chapter govern the construction of this part.

"Board"

21611. "Board" shall have the following meanings: Until July 1, 1955, "board" means the Director of Finance. On and after July 1, 1955, "board" means the Board of Administration of the State Employees' Retirement System.

"Federal agency"

21612. "Federal agency" means the Secretary of Health, Education and Welfare, or the predecessor or successor in functions to such officer.

"Federal system"

21613. "Federal system" means the old age and survivors insurance provisions of the Social Security Act.

"Agreement"

21614. "Agreement" means the agreement or any modification thereof now, heretofore, or hereafter executed by the

board pursuant to Section 218 of Title II of the Social Security Act.

21615. "Public agency" means the State, any city, county, city and county, district, municipal or public corporation or any agency or instrumentality thereof. "Public agency"

21616. "State system" means the State Employees' Retirement System. "State system"

21617. "Federal benefit" means the primary insurance amount payable to an eligible person pursuant to provisions of the federal system. "Federal benefit"

21618. "Federal system wage credits" means the amounts of wages as defined in Title II of the Social Security Act paid to, and the self-employment income as defined in Title II of the Social Security Act derived by, an individual according to the records relating to such individual maintained by the federal agency, or as otherwise reported to the board by the federal agency; provided, however, for any calendar year in which a member is in state service in a position covered by the agreement, any wage credit for such calendar year shall be deemed to relate to such state service in an amount equal to the total remuneration for such service reported to the federal agency for such member for such calendar year, not to exceed maximum wages subject to contributions under the federal system. "Federal system wage credits"

21619. The "apportioned federal benefit" is an amount which equals that portion of a member's federal benefit which the federal system wage credits relating to service in positions covered under the terms of the modification of the agreement provided for in Sections 21602 and 22210 of this code bear to his total federal system wage credits. "Apportioned federal benefits"

21620. "Member" means a member of the state system. "Member"

21621. "Federal retirement age" means the minimum age at which a person can qualify for a federal benefit. "Federal retirement age"

21622. "Employee federal contribution" means those contributions required of employees under the federal system with respect to wages paid to individuals who perform services in employment in any coverage group included in the agreement, at the rate of taxes imposed on employees by Section 3101 of the Internal Revenue Code for the respective calendar years set forth therein. "Employee federal contribution"

21623. "Employer federal contribution" means those contributions required of employers under the federal system with respect to wages paid to individuals who perform services in employment in any coverage group included in the agreement, at the rate of taxes imposed on employers by Section 3111 of the Internal Revenue Code for the respective calendar years set forth therein. "Employer federal contribution"

21624. Whenever reference is made to any federal law or regulation or part thereof, the reference applies to all amendments and additions now or hereafter made to such law or regulation or part thereof. Construction

CHAPTER 2. BENEFITS

Apportioned federal benefit

21630. Every monthly retirement allowance payable pursuant to the state system to a person who was a state or university member shall be reduced by the amount of the apportioned federal benefit to which the person is entitled, beginning with:

(a) The first of such allowances, if the person has attained the federal retirement age on the effective date of his retirement under the state system, or

(b) The allowance payable for the month in which the person attains the federal retirement age if he had not attained that age on the effective date of his retirement under the state system.

Requirements for reduction

21632. The reduction provided for in Section 21630 shall not be made at any time if the person is not entitled to a federal benefit upon the effective date of his retirement from the state system, if he has then attained the federal retirement age, or upon the attainment of that age after said effective date.

Persons entitled to federal benefit

21634. A person shall be considered, for the purposes of this part, to be entitled to a federal benefit if he has fulfilled the age and coverage requirements for qualification for receipt of a federal benefit.

Determination of apportioned federal benefit

21636. In determining the apportioned federal benefit for the purposes of Sections 21630 or 21637, the board shall take into consideration such information regarding federal system wage credits as are made available to the board by the federal agency, the records maintained by the board and any statement by the federal agency of the person's federal benefit. Said determination shall be finally made by the board within the 120 days following the month for which the allowance was first reduced in accordance with the provisions of Section 21630 and any error in payments already made shall be adjusted in a manner determined by the board. Upon receipt by the board of information satisfactory to it that the final determination of the apportioned federal benefit was based on erroneous information, the board shall then make a redetermination of said benefit. Future retirement allowances shall be reduced by the redetermined benefit and the correction for payments already made shall be adjusted in a manner fixed by the board.

Computation of payable allowance

21637. The lesser retirement allowance payable under an optional settlement elected at retirement, pursuant to Article 4 of Chapter 9 of the State Employees' Retirement Law, shall be actuarially equivalent to the retirement allowance that would have been payable at retirement had no optional settlement been elected after taking into consideration the reduction in said allowance provided for in Section 21630. Upon the election of an optional settlement by a member who has not attained the federal retirement age the board shall estimate the apportioned federal benefit upon the basis of information then available to it. If the death of such a member

should occur before he has attained the federal retirement age, payments under the optional settlement elected shall be as thus estimated. If such a member attains the federal retirement age, the board shall then recalculate the lesser retirement allowance payable under the optional settlement upon the basis of the age of the member and the beneficiary on the effective date of retirement, actuarial tables then in use, and the apportioned federal benefit determined as provided in Section 21636. Payments of the recalculated amount shall be made beginning with the month in which the federal retirement age was attained and such payments shall be increased or decreased by the actuarial equivalent of any difference in payments previously made and such recalculated amount.

Minimum allowance payments to members

21638. Notwithstanding any other provision of this part, no member shall be paid an allowance from the State Employees' Retirement Fund which is less than the life annuity that could be provided by the accumulated contributions with which he was credited on the effective date of his retirement, on the basis of actuarial tables in use by the board on such date.

Construction

21639. Notwithstanding the provisions of Sections 20332 and 20809 of the State Employees' Retirement Law, nothing in said law shall act to prohibit the receipt of credit in the state system, nor the payment of benefits relating thereto, for service which is also being credited in the federal system, and persons shall not be excluded from the state system as to such service as is being credited in the federal system.

Filing information with federal system

21640. To the extent permitted by federal law or regulations, the board may file applications or other documents with the federal system relating to members of the State Retirement System, and receive information regarding the entitlement of such members under the federal system.

Evidence of right to benefits

21641. The board may require a member to provide evidence of his entitlement to federal benefits, and may estimate the apportioned federal benefit and date of first entitlement in computing a member's allowance, which computation may be adjusted pending a final determination by the board; provided, that a final determination shall not thereafter be subject to adjustment except as otherwise provided in this part.

Chapter 3. Contributions

Article 1. Procedure

Deduction from salaries, etc.

21650. Employee federal contributions of employees in positions covered by the agreement shall be withheld by the agency that disburses funds in payment of salaries and wages paid to such employees. Such agencies shall transmit to the board all employee federal contributions and employer federal contributions, together with all wage, contribution and other reports required to fulfill the obligations of the State under the federal system. Such agencies are hereby authorized to correct errors and to make any and all adjustments with respect

to covered employees and to the funds from which salary and wage payments and contributions are made as may be required to fulfill the obligations of the State under the federal system or in compliance with any of the provisions of this part.

Article 2. Employee Contributions

Employee contributions

21660. Every member shall continue to contribute to the State Employees' Retirement Fund the normal contributions required of such member under the State Employees' Retirement Law less (a) an amount each month equal to the federal rate of contributions times the monthly wages subject to normal retirement contributions but not in excess of one-twelfth of the maximum annual wages subject to contributions under the federal system in each calendar year or (b) the amount, as computed in a manner approved by the board, the State Controller and the Director of Finance, required for employee federal contributions with respect to those wages subject to normal retirement contributions.

Liability

21661. Every employee covered by the agreement providing coverage under the federal system for such employee shall be liable for the employee federal contributions.

Article 3. Employer Contributions

Reduction in State's contributions

21670. On the execution date of the agreement which includes the state miscellaneous, narcotic and law enforcement members, if such date is the first day of the month, and if not, on the first day of the first month next succeeding such execution date, the State's contribution to the State Employees' Retirement Fund in respect to such members as provided by Chapter 6 of the State Employees' Retirement Law shall be reduced by a sum equal to 3.00 percent of the compensation paid such members who are included in such agreement.

On the execution date of any agreement which includes either the state warden members or the state forestry members, or both, if such date is the first day of the month, and if not, on the first day of the first month next succeeding such execution date, the State's contribution to the State Employees' Retirement Fund with respect to any such members who are included in such agreement shall be reduced by a sum equal to 2.30 percent of the compensation paid to such members.

Transfers to Old Age, etc., Fund

21671. From the General Fund in the State Treasury there shall be transferred from time to time, to the Old Age and Survivors Insurance Revolving Fund the amount of employer federal contributions for those state and university employees, excluding employees in positions covered by the Pension and Retiring Annuities System of the University of California or the State Teachers Retirement System, covered by the agreement whose compensation is paid from either:

Exceptions

(a) The General Fund.

(b) Funds of or funds appropriated to the university.

(c) 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 the payment of employer federal contributions.

(d) Moneys in the Water Resources Revolving Fund, where such moneys were derived from an appropriation from the General Fund.

(e) The Senate Contingent Fund or the Assembly Contingent Fund.

Same

21672. From each other fund in the State Treasury there shall be transferred from time to time to the Old Age and Survivors Insurance Revolving Fund the amount of employer federal contributions for those state employees covered by the agreement whose compensation is paid from that fund and in respect to which compensation the employer's federal contribution is not required to be made from the General Fund.

Certificate of federal employer contributions

21673. The board shall certify to the Controller from time to time the total amount of employer federal contributions required to meet the obligations of the State under the federal system with respect to wages paid to state and university employees, excluding employees in positions covered by the Pension and Retiring Annuities System of the University of California or the State Teachers Retirement System, and payable from the general and each other fund in the State Treasury, and the Controller shall thereupon transfer such employer federal contributions from each such fund, respectively, to the Old Age and Survivors Insurance Revolving Fund.

Appropriation

21674. There is hereby appropriated the amount necessary from the funds designated, to provide, (a) the payments required by this article to be made by the State to the Old Age and Survivors Insurance Revolving Fund, which payments are declared to be continuing obligations of the State, (b) the amounts payable pursuant to Articles 4 and 5 of this chapter, and (c) in addition thereto the sum of three hundred fifty thousand dollars ($350,000) from the General Fund to the Department of Finance for the purpose of administering the provisions of Parts 3.5 and 4 of Division 5 of Title 2 of this code, to be allocated by the Director of Finance in such amounts as he may determine in augmentation of the support appropriations of the University of California, the State Controller and the Board of Administration of the State Employees' Retirement System made by the Budget Acts of 1954 and 1955; provided, however, that the Director of Finance may return to this portion of the appropriation by executive order any sum thus allocated and may reallocate such sums as herein provided and amounts thus allocated or reallocated shall, for accounting purposes, be deemed to be augmentations and increases of the support appropriations of the agencies and for the fiscal years herein specified.

Article 4. Retroactive Employee Federal Contributions

Retroactive employee federal contributions

21680. Employee federal contributions required of state and university employees, excluding employees who are in positions covered by the Pension and Retiring Annuities System of the University of California or the State Teachers Retirement System, with respect to salaries and wages paid for services rendered after the effective date of coverage of such employees under the federal system and prior to the time employee federal contributions are first deducted from the salaries and wages of such employees, shall be paid from the State Employees' Retirement Fund to the Old Age and Survivors Insurance Revolving Fund. Such employee federal contributions shall be charged in the accounts of the state system to the State's accumulated contributions for current service and shall be regarded as a loan to each such employee and shall be a lien on any salaries or wages payable to the employee and on any amounts payable by the state system to the employee or on his account. Said loan shall be repaid by the employee as follows:

(a) Such employee federal contributions with respect to employees who were members of the state system during the period extending from the effective date of coverage until the time employee federal contributions are first deducted from the salaries and wages of such employees shall be deducted from the member's accumulated contributions made with respect to services performed during the said period and which are to his credit in the state system, to the extent that such contributions are in excess of what they would have been had the contributions to the state system during the said period been made as provided in Section 21660, disregarding interest; provided, however, that for any employee who was a member of the state system on the effective date of coverage, all such employee federal contributions shall be deducted from such accumulated retirement contributions of the employee.

(b) Such employee federal contributions as are not deductible from members' accumulated contributions in the state system as provided in subdivision (a) of this section shall be repaid by the employee by one cash payment to the state system or by pay roll deductions during current employment or any subsequent employment of such employee extending over a period determined by the board and subject to minimum payments as determined by the board, under a plan approved by the State Controller. The agency making such pay roll deductions shall remit to the board monthly all amounts so withheld and shall file with the board appropriate information relating thereto. All such repayments shall be remitted by the board to the State Employees' Retirement Fund and shall be credited in the accounts of the state system to the account to which the loan was charged.

For the purposes of this section, upon termination of an employee's service and pending a determination of the amount to

be repaid, the amount of retroactive employee federal contributions to be repaid by an employee may be estimated and such estimated amount shall be withheld from any refund of accumulated retirement contributions or salaries and wages payable to such employee.

Certificate to State Controller

21681. The board shall certify to the State Controller the total amount of employee federal contributions required for retroactive coverage under the federal system and the Controller shall thereupon transfer such amount from the State Employees' Retirement Fund to the Old Age and Survivors Insurance Revolving Fund.

Article 5. Retroactive Employer Federal Contributions

Retroactive employer federal contributions

21690. Employer federal contributions required with respect to salaries and wages paid on or before the execution date of the modification of the agreement set forth in Section 22210 of this code for services rendered after the effective date of coverage of public agency employees or state and university employees, excluding employees who are in positions covered by the Pension and Retiring Annuities System of the University of California or the State Teachers Retirement System, shall be paid from the State Employees' Retirement Fund to the Old Age and Survivors Insurance Revolving Fund and shall be charged in the accounts of the state system to the State's or the public agency's accumulated contributions for current service, as the case may be.

Certificate to State Controller

21691. The board shall certify to the State Controller the total amount of employer federal contributions required for retroactive coverage under the federal system and the Controller shall thereupon transfer such amount from the State Employees' Retirement Fund to the Old Age and Survivors Insurance Revolving Fund.

Chapter 4. Contract Members

Excluded employees

21700. Except as hereinafter provided in this chapter, the provisions of this part do not apply to any public agency under contract with the board, as provided by the State Employees' Retirement Law, nor to the employees of such an agency with respect to services rendered as an employee of the agency. Notwithstanding the provisions of Chapter 4.5 of said retirement law, the provisions of this part do not apply to contracts made under that law with any county superintendent of schools nor to persons who are members of the state system on account thereof, except as hereinafter provided in this chapter.

Amendments to contracts

21702. With the approval of the board, any contract made under the provisions of the State Employees' Retirement Law between the board and a public agency may be amended to provide a modification of the benefits to be paid under said contract, and to provide an adjustment in contributions made,

or to be made, by employees to the state system, if the agreement executed by the board pursuant to Section 218 of Title II of the Social Security Act is simultaneously modified to include in the federal system the employees of the agency in positions covered by the state system. The amendment to such contracts as are subject to the provisions of Sections 21251.1 and 21253 of said Retirement Law, shall provide a modification of benefits and employee contributions under the contract like that provided in Chapters 2 and 3 of this part for the State and its employees. As may be agreed upon by the board and the public agency, a contract which is not subject to said sections may be amended to provide a modification of benefits to be payable under the contract and an adjustment of the contributions made, or to be made, by employees to the state system; provided, the agreement executed by the board pursuant to Section 218 of Title II of the Social Security Act is simultaneously modified to include in the federal system the employees of the agency in positions covered by the state system.

The amendment to the contract shall be made in the manner prescribed in the State Employees' Retirement Law for the approval of contracts.

Referendum

21704. The referendum referred to in Section 22301 of this code with respect to county superintendent of schools is hereby authorized. When a majority of the eligible employees in positions covered by the state system under the contract between the board and a county superintendent, as provided in Chapter 4.5 of the State Employees' Retirement Law, have voted in favor of inclusion in the federal system, the county superintendent may make formal application to the board for the inclusion of such employees in the agreement in accordance with Part 4 of this division. The contract between the board and the county superintendent of schools shall be amended effective upon such inclusion to provide a modification of the benefits and contributions like that provided in Chapters 2 and 3 of this part for the State and its employees. The amendment to this contract shall be made in the manner prescribed in the State Employees' Retirement Law for the approval of contracts.

Payment of retroactive contributions

21706. If the effective date of coverage under the federal system of the employees of a public agency under contract with the board of the state system is effective prior to the time employee federal contributions are first deducted from the salaries and wages of such employees, said contract with the board may be amended to provide for the payment of retroactive employee and employer federal contributions from the accounts of the employee or the public agency, as the case may be, in the State Employees' Retirement System in the same manner as provided in Articles 4 and 5 of this part for the State and its employees.

Contracts with public agency after act effective

21708. Contracts made by the board with a public agency after this part takes effect, may provide a modification, as may

be agreed upon by the board and the agency, of the benefits provided under the State Employees' Retirement Law and adjusted employee contributions to be paid under said law if the employees of the agency are covered by the federal system or are to be so covered on the effective date of the contract.

SEC. 2. Section 16395 of the Government Code is amended to read:

16395. For the purpose of determining the fund or funds from which the State's contributions to the State Employees' Retirement Fund under Chapter 6 of Part 3 of Division 5 of Title 2 of this code and the contributions required of an employer under Chapter 3 of Part 3.5 of Division 5 of Title 2 of this code shall be paid, any compensation paid to state officers and employees from the State Pay Roll Revolving Fund shall be deemed to have been paid from the fund or funds from which the money disbursed from the State Pay Roll Revolving Fund in payment of such compensation was originally derived. Determination of funds from which State's contributions are paid

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: Urgency

Sweeping changes have been made in the Social Security Act during 1954, providing, among other matters, that public agencies in this State with retirement systems may now be covered by the Old Age and Survivors Insurance System of the Federal Government. In order that employees of the State and other public employees under the State Employees' Retirement System may be so covered without jeopardizing the continued maintenance of their state system it is necessary that provision be made for the integration of the two systems.

CHAPTER 1441

An act to repeal Chapter 10 of the Statutes of 1955 and Part 4 of Division 5, Title 2 of, and to add a new Part 4 to Division 5 of Title 2 of, the Government Code, relating to agreements for social security coverage of employees of public agencies, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 27, 1955. Filed with Secretary of State June 29, 1955.] In effect immediately

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

SECTION 1. Part 4 of Division 5, Title 2 of the Government Code, and Chapter 10 of the Statutes of 1955 are repealed. Repeal

SEC. 2. A new Part 4 is added to Division 5, Title 2 of the Government Code, to read:

PART 4. FEDERAL OLD AGE AND SURVIVORS' INSURANCE

CHAPTER 1. GENERAL PROVISIONS, DEFINITIONS, DESIGNATION OF SPECIAL GROUPS

Article 1. General Provisions and Definitions

Legislative intent

22000. It is the policy of the Legislature that the protection afforded employees in positions covered by a retirement system on the date an agreement under this part is made applicable to service performed in such positions, or receiving periodic benefits under such retirement system at such time, will not be impaired as a result of making the agreement so applicable or as a result of legislative enactment in anticipation thereof.

Continuance of liabilities

22001. All liabilities and obligations created by Chapter 46 of the Statutes of 1950, Third Extraordinary Session, and amendments thereto or by Chapter 10 of the Statutes of 1955, or by any agreement or modification entered into between the State and the federal agency, as herein defined, under the authority of said statutes, are continued in full force and effect the same as if said statutes had not been repealed.

Construction

22002. Unless the context otherwise requires the definitions and general provisions set forth in this chapter govern the constructions of this part.

22003. Whenever reference is made in this part to any federal law or regulation or part thereof, the reference applies to all amendments thereto now or hereafter made.

"Board"

22004. "Board" shall have the following meanings: Until July 1, 1955, "board" means the Director of Finance. On and after July 1, 1955, "board" means the Board of Administration of the State Employees' Retirement System.

"Federal agency"

22005. "Federal agency" means the Secretary of Health, Education and Welfare, or the predecessor or successor in function to such officer.

"Agreement"

22006. "Agreement" means the agreement or any modification thereof now, heretofore or hereafter executed by the board with the federal agency pursuant to this part or Chapter 46 of the Statutes of 1950 (Third Extraordinary Session), Chapter 1569, Statutes of 1951, or Chapter 10 of Statutes of 1955 and Section 218 of Title II of the Social Security Act.

"Eligible employee"

22007. "Eligible employee" means an employee whose services may under the provisions of Section 218 of Title II of the Social Security Act and this part be brought under the terms of the agreement, but not including any employee whose services are excluded from the agreement by a public agency under paragraph (3) or (5) of Section 218(c) of the Social Security Act.

"Eligible retirement system employee"

22008. "Eligible retirement system employee" for the purposes of any referendum with respect to any retirement system

has the meaning given the term "eligible employee" in Section 218(d)(3) of the Social Security Act.

"Public agency"

22009. (a) "Public agency" means the State, any city, county, city and county, district, municipal or public corporation or any instrumentality thereof, or 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 or retirement system coverage group.

Each public agency under separate retirement system

(b) Unless otherwise provided in this part, for the purposes of the referendum set forth in Article 2 of Chapter 2 of this part, each public agency shall be deemed to be under a separate retirement system with respect to all other public agencies having employees in positions covered by the same retirement system.

(c) Notwithstanding any other provision of this section, each of the following groups of public agencies shall be deemed to be under a separate retirement system with respect to all other public agencies having employees in positions covered by the same retirement system:

(1) All school districts located within a county having employees in positions covered under the State Employees' Retirement System pursuant to a contract entered into by the county superintendent of schools of such county and the State Employees' Retirement System.

(2) Any other combination of more than one public agency with positions covered by the same retirement system, such combination having been designated by the board as a separate retirement system and authorized by the board to conduct a referendum among eligible retirement system employees in such positions as a retirement system coverage group; provided, however, that such designation is not contrary to the provisions of Section 218 of Title II of the Social Security Act and federal rules and regulations adopted pursuant thereto.

"Coverage group"

22010. "Coverage group" has the meaning given that term by Section 218(b)(5) of Title II of the Social Security Act and federal regulations adopted pursuant thereto.

"Retirement system coverage group"

22011. "Retirement system coverage group," with respect to any retirement system, means all employees designated as a coverage group in Section 218(d)(4) of the Social Security Act for the purposes of Section 218(c) of the Social Security Act only. The services of employees in any retirement system coverage group that are included in an agreement shall then become for all purposes of the agreement services performed as members of the coverage group to which they otherwise belong.

"Federal system"

22012. "Federal system" means the insurance system of old age and survivors' insurance established under Title II of the Social Security Act.

"Policemen"

22013. "Policeman" as used in this part includes members of the California Highway Patrol, sheriffs, undersheriffs, dep-

uty sheriffs, marshals and deputy marshals, and any other employee in a position designated as a policeman's position by the board; provided, any such position named herein or as may be designated by the board, is not contrary to any definition, ruling or regulation issued by the federal agency relating to the term "policeman" for the purposes of Section 218(d)(5)(A) of the Social Security Act.

"Firemen"

22014. "Fireman" as used in this part means any employee in a position designated as a fireman's position by the board; provided, such designation is not contrary to any definition, ruling or regulation relating to the term "fireman" issued by the federal agency for the purposes of Section 218(d)(5)(A) of the Social Security Act.

Article 2. Designation of Special Groups

Separate coverage group Civilian employees of National Guard units

22100. For all purposes under this part, the following group of employees shall constitute a separate coverage group.

(a) Civilian employees of National Guard units of the State who are employed pursuant to Section 90 of the National Defense Act of June 3, 1916 (32 U.S.C.; Section 42), and paid from funds allotted to such units by the Department of Defense. The Adjutant General may enter into an agreement with the board pursuant to Section 22203 for the purpose of obtaining coverage under the federal system for such employees.

22150. For all purposes of this part relating to Section 218(c) of the Social Security Act, notwithstanding the provisions of Section 22009, each of the following groups of employees constitutes a separate retirement system coverage group:

University of California employees

(a) All state employees and employees of the University of California in positions covered by the State Employees' Retirement System.

State Teachers' Retirement System employees

(b) All employees in positions covered by the State Teachers' Retirement System, except employees of a public agency having any employees in positions covered by such system who are also in positions covered by a local retirement system for the retirement of teachers, or for membership in which public school teachers are eligible, operated by a city, city and county, county or other public agency or combination of public agencies of the State.

Other employees

(c) Employees in any class or classes of positions covered by a retirement system excluded from the agreement pursuant to paragraph (3) or (5) of Section 218(c) of the Social Security Act at the time it is made applicable to such retirement system and to which the agreement does not already apply.

Classes constituting separate retirement systems

For the purposes of the referendum among eligible retirement system employees in such retirement system coverage group as required by Article 2 of Chapter 2 of this part and Section 218(d) of the Social Security Act, each such class shall constitute a separate retirement system.

(d) Employees in positions covered by the Legislators' Retirement System.

(e) Employees in positions covered by the Judges' Retirement System.

(f) Employees in positions covered by the Pension and Retiring Annuities System of the University of California.

(g) All employees in positions covered by the San Francisco City and County Employees Retirement System.

CHAPTER 2. AGREEMENTS FOR COVERAGE

Article 1. Applications for Coverage

March 9, 1951, agreement

22200. The board is hereby authorized on behalf of the State to administer and to maintain in full force and effect the agreement entered into between the State and the Federal Security Administrator on March 9, 1951, and all modifications thereof heretofore made.

Application by public agency Contract for coverage

22201. The board shall, upon application by any public agency except the State, in accordance with the provisions of this part execute on behalf of the State an agreement with the federal agency for the coverage of employees of such public agency under the federal insurance system in conformity with the provisions of Section 218 of the Social Security Act and applicable federal regulations.

"Public agency"

22202. With respect to employees in the coverage group defined in subdivision (a) of Section 22100, such application shall be deemed to be made by a public agency if made by the Adjutant General. With respect to employees in the retirement system coverage group set forth in subdivision (b) of Section 22150, such application shall be deemed to be made by a public agency if made by the State Teachers Retirement Board. With respect to the retirement system coverage group set forth in subdivision (f) of Section 22150, such application shall be deemed to be made by a public agency if made by the Board of Regents of the University of California.

Agreement between board and Federal Government

22203. Notwithstanding the provisions of Section 22201, however, before the board shall execute on behalf of the State an agreement with the federal agency as herein provided, the public agency and the board shall enter into a written agreement, which agreement shall include such provisions not inconsistent with this part which the board deems necessary in the administration of the said insurance system as it affects the State and the public agency and its employees.

For the purposes of this section, the State shall not be deemed to be a public agency, but nevertheless an agreement entered into pursuant to this part by the board and the State Teachers Retirement Board or the Adjutant General or the Board of Regents of the University of California shall be deemed to be entered into by the board and a public agency.

Contents

22204. The agreement between the State and the federal agency shall include each coverage group or retirement system

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 chapter, prior to the effective date of the agreement. For the purposes of this section, the State shall not be deemed to be a public agency, but nevertheless any formal request for such inclusion made by the State Teachers Retirement Board upon authorization by the Legislature, or by the Board of Regents of the University of California, or by the Adjutant General, shall be deemed to be made by the governing body of an employing public agency.

Extension of coverage

22205. The legislative or governing body of every public agency having employees who are in positions not covered by any retirement system may, upon the affirmative vote of a majority of the eligible employees of such public agency or of any coverage group thereof, make formal application to the board for inclusion of such eligible employees in the said agreement.

Coverage of formerly ineligible employees

22206. The legislative or governing body of every public agency having employees in positions covered by a retirement system who are ineligible to become members of such retirement system may upon the affirmative vote of a majority of the eligible employees of any coverage group of such public agency of which the employees who are ineligible to be members of such retirement system are a part, make formal application to the board for inclusion of the eligible employees of such coverage group in the said agreement; provided, that the terms of the agreement do not already apply to said retirement system.

Same

22207. The legislative or governing body of every public agency having employees in positions covered by a retirement system who are ineligible to become members of such retirement system may in the case of any coverage group to which said agreement already applies, and upon the affirmative vote of a majority of the eligible employees in any coverage group of such public agency of which the employees who are ineligible to be members of such retirement system are a part, make formal application to the board for inclusion of the eligible employees of such coverage group in the said agreement; provided, that the terms of the agreement do not already apply to said retirement system; and provided, that on the effective date specified in said agreement relating to the coverage of such employees under the federal system, such employees are ineligible to be members of any retirement system.

Extension of coverage

22208. With respect to each retirement system coverage group, the legislative or governing body of every public agency having employees in positions covered by a retirement system, the State Teachers Retirement Board with respect to employees in the retirement system coverage group set forth in subdivision (b) of Section 22150 upon authorization by the Legislature, and the Board of Regents of the University of California with respect to employees in the retirement system coverage group set forth in subdivision (f) of Section 22150, may, upon

the affirmative vote of a majority of eligible retirement system employees of such retirement system coverage group at a referendum conducted in accordance with the provisions of Article 2 of this chapter and the rules and regulations promulgated by the board pursuant to this part, make formal application to the board for the inclusion of the employees in each such retirement system coverage group in the agreement.

Exclusion of certain employees

22209. At the request of a public agency, or as otherwise permitted by the board, any class or classes of positions covered by a retirement system which may be excluded from coverage under the federal system pursuant to paragraph (3) or (5) of Section 218(c) of the Social Security Act, and to which the agreement does not already apply, may be excluded from the agreement at the time it is made applicable to such retirement system; except that such exclusion shall not include any services to which Section 218(c)(3)(C) of the Social Security Act is applicable.

Modification of agreement

22210. Notwithstanding any other provisions of this part, the board shall execute a modification of the agreement in conformity with the provisions of Section 218 of the Social Security Act and applicable federal regulations adopted pursuant thereto, to include the services of all state employees and employees of the University of California in positions covered by the State Employees' Retirement System except services in any class or classes of elective positions when a majority of the eligible retirement system employees of the State and the university in positions covered by such system at a referendum conducted by the board pursuant to Article 2 of this chapter and Section 218(d) of the Social Security Act have voted in favor of inclusion in the federal system.

Such modification shall also include the services of all employees of the State and employees of the University of California including the services of those state and university employees who are ineligible to be members of any retirement system and who are in positions not covered by any retirement system, but shall not include the services of any state or university employees in any class or classes of elective positions, or in positions covered by the Judges' Retirement System, the Legislators' Retirement System, the State Teachers' Retirement System, or the Pension and Retiring Annuities System of the University of California.

Same

22211. Notwithstanding any other provisions of this part, the board shall execute a modification of the agreement in conformity with the provisions of Section 218 of the Social Security Act and applicable federal regulations adopted pursuant thereto, to include the services of employees in positions covered by the Legislators' Retirement System, when a majority of the eligible retirement system employees in positions covered by such system at a referendum conducted by the board pursuant to Article 2 of this chapter and Section 218(d) of the Social Security Act have voted in favor of inclusion in the federal system.

Same

22212. Notwithstanding any other provisions of this part, the board shall execute a modification of the agreement in conformity with the provisions of Section 218 of the Social Security Act and applicable federal regulations adopted pursuant thereto, to include the services of employees in positions covered by the Judges' Retirement System, when a majority of the eligible retirement system employees in positions covered by such system at a referendum conducted by the board pursuant to Article 2 of this chapter and Section 218(d) of the Social Security Act have voted in favor of inclusion in the federal system.

Article 2. Retirement System Referendums

Authorization of referendum

22300. Unless otherwise provided in this article the board shall authorize a referendum among the eligible retirement system employees of any retirement system coverage group upon the request of the legislative or governing body of any public agency having employees in such retirement system coverage group.

Method of authorization Conduct of election

22301. In the case of employees in positions covered by a retirement system as set forth in subdivision (c)(1) of Section 22009, such referendum shall be conducted by the applicable county superintendent of schools, at such time as the board deems appropriate; provided, such referendum is authorized by the Legislature. In the case of employees in positions covered by a retirement system as set forth in subdivision (c)(2) of Section 22009, such request may be made by such officials as the board deems necessary to carry out the provisions of this part as they relate to such system.

In the case of state employees and employees of the University of California in positions covered by the State Employees' Retirement System, the board shall conduct such referendum and such referendum shall be conducted on any date the board deems appropriate; provided, such referendum is authorized by the Legislature.

Same: State Teachers Retirement Board

22302. In the case of employees in the retirement system coverage group set forth in subdivision (b) of Section 22150, the State Teachers Retirement Board shall conduct such referendum; provided, such referendum is authorized by the Legislature.

University of California

In the case of employees in the retirement system coverage group set forth in subdivision (f) of Section 22150 the board shall authorize such referendum upon the request of the Board of Regents of the University of California and the Board of Regents shall conduct such referendum.

Legislators and Judges Retirement Systems

22303. In the case of employees in the retirement system coverage groups set forth in subdivisions (d) and (e) of Section 22150, the board shall conduct each such referendum; provided, that each such referendum is authorized by the Legislature.

Procedure for referendum

22304. The referendum shall be conducted, and the Governor or any other state agency or state official now or hereafter authorized by federal law shall designate an agency or individual to supervise its conduct, in accordance with the requirements of Section 218(d) of the Social Security Act, on the question of whether service in positions covered by a retirement system established by the State or by a political subdivision or agency thereof should be excluded from or included under an agreement under this chapter. The notice of referendum required by Section 218(d)(3)(C) of the Social Security Act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient to inform the employees of the rights and benefits which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject if their services are included under an agreement under this part. Such statement shall include a general explanation of the modification, if any, of the existing retirement plan that may result therefrom. It is not intended that any modification of any existing retirement plan must result, nor that a plan of maintaining full benefits of the local system together with full benefits of the federal system shall be precluded.

Certification

22305. Upon receiving evidence satisfactory to him that with respect to any referendum the conditions specified in Section 218(d)(3) of the Social Security Act have been met, the Governor or any other state official now or hereafter authorized by federal law shall so certify to the federal agency.

Exclusion

22306. Nothing in this part shall authorize the extension of the federal system to service in any policeman's or fireman's position covered by a retirement system.

Validity of referendum

22307. If for any reason it is determined that any eligible retirement system employee was not given an opportunity to vote in the referendum conducted with respect to the retirement system of which he was a member at the time of the referendum, or that an employee who was permitted to vote in such referendum was not an eligible retirement system employee at that time, such determination shall not invalidate the results of such referendum if a majority of the eligible retirement system employees under such retirement system voted in such referendum in favor of inclusion under the federal system.

Article 3. Termination of Coverage

Termination of coverage

22310. Upon giving at least two years' advance notice to the board, a public agency may terminate, subject to approval of the federal agency, effective at the end of a calendar quarter specified in the notice, its coverage under the provisions of this part and the federal system either

(1) With respect to all employees of the public agency having such coverage, but only if such coverage has been in effect

from the effective date of coverage of such employees under the federal system for not less than five years prior to the receipt of such notice; or

(2) With respect to any coverage group of such public agency, but only if such coverage has been in effect from the effective date of coverage of such coverage group under the federal system for not less than five years prior to the receipt of such notice.

Any termination of coverage under the federal system shall be subject to the provisions of Section 218(g) of the Social Security Act and federal regulations adopted pursuant thereto and rules and regulations promulgated by the board pursuant to this part.

CHAPTER 3. ADMINISTRATION OF OLD AGE AND SURVIVORS' INSURANCE PROGRAM

Article 1. General Administration Provisions

Rules and regulations

22500. The board shall promulgate rules and regulations to carry into effect the provisions of this part in conformity with Section 218 of Title II of the Social Security Act and federal regulations adopted pursuant thereto, including, but not limited to, the conditions, method and procedure to be followed in the conduct of the referendums provided for in Article 2 of Chapter 2 of this part.

Assistance from other state agencies

22501. The board, with the approval of the Department of Finance, may designate other state agencies to perform work, furnish services, materials or equipment, or otherwise assist in the administration of the provisions of this part in accordance with the provisions of the Government Code relating to interagency services and the payment therefor now or hereafter made.

The proportionate share of amounts charged to the board by such agencies pursuant to such designation by the board, and, notwithstanding Section 11044 of the Government Code, charges for all legal services rendered by the Office of the Attorney General to the board pursuant to this part, shall be assessed against each public agency under the agreement, in accordance with the provisions of Section 22551 of this part.

Approval of agreements; Exceptions

22502. Agreements as defined in Section 22006, and all applications and agreements and contracts and any amendments thereto between the board and the Adjutant General, the State Teachers Retirement Board, the Regents of the University of California and any public agency, except the State executed by the board pursuant to this part are hereby excepted from the provisions of Section 13370 of the Government Code, and of any other statutory provision which would otherwise require the approval of any such agreements and contracts and any amendments thereto by any other state officer or agency.

Article 2. Administrative Cost Assessment and Financial Obligations

22550. For the purposes of this article, the term "public agency" includes the Board of Regents of the University of California. "Public agency"

22551. The board may charge or assess each public agency and each public agency shall pay and reimburse the State at such times and in such amounts as the board 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 in the administration of said Old Age and Survivors' Insurance System as it affects the public agency and its employees. Such charges or assessments shall be determined by the board in a manner approved by the Department of Finance and may be charged or assessed either in arrears or on the basis of anticipated costs not to exceed one year in advance. There shall be added to the amount of each such assessment, delinquent 90 days after a notice thereof was mailed by the board, a penalty of 10 percent of the amount thereof. Such penalties when collected shall be paid into the Treasury and credited as revenue to the General Fund. Charging or assessing public agencies

22552. The board may charge or assess each public agency and each public agency shall pay and reimburse the State at such times and in such amounts as the board may determine, the approximate cost to the State of any and all work and services relating to the referendum provided by Article 2 of Chapter 2 of this part and requested by such agency. Such charges or assessments shall be determined by the board in a manner approved by the Department of Finance. Same

22553. Every public agency included in the agreement between the board and the federal agency pursuant to the provisions of this part shall be liable for the contributions required of an employer under the provisions of Section 3111 of the Internal Revenue Code of 1954 and the portion required to be withheld from the salaries and wages of the employees as required under the provisions of Section 3101 of the Internal Revenue Code of 1954. Liability of agency for contribution

22554. Every public agency included in the agreement between the board and the federal agency 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 3101 of the Internal Revenue Code of 1954, including contributions due on wages paid for services previously performed after the effective date of coverage where retroactive coverage has been requested by the public agency. Withholding from salary

22555. Every public agency included in the agreement shall upon written request of the board pay to the board any and all sums of money that the State may be obligated to pay or forfeit to the Federal Government, by reason of any failure on the part of any such public agency for any cause or rea- Reimbursement of State by agency Penalties, interest etc

son to pay any contributions, interest, penalties, or any other amounts required by the agreement and federal regulations adopted pursuant thereto at the time and in such amounts as required by said agreement or said federal regulations.

Advances

22556. Any public agency on whose behalf the board has made any advances of money as provided in Section 22601 shall reimburse the State in the amount of any such advances, together with interest at the rate of 7 percent per annum from the time of such advance. Such interest when collected shall be paid into the Treasury and credited as revenue to the General Fund.

Limitation on actions

22557. No statute of this State shall limit the time within which the board may enforce the payment of any amount payable to this State by a public agency pursuant to the provisions of this part by civil action or any other remedy.

Audits

22558. The board or the state officer or agency designated to assist in the administration of this part, may audit the books and records of any public agency having employees in positions covered by the agreement. Such audits shall be restricted to the extent necessary to make a determination of the public agency's liability for employer and employee contributions, penalties and interest required under the terms of the agreement.

Reports

22559. Every public agency included in the agreement between the board and the federal agency shall submit all wage, contribution, and other reports required to fulfill the obligations of the State under the federal insurance system. In the event of a failure or refusal to submit such reports, the board or the state officer or agency designated to assist in the administration of this part may audit the books and records of such public agency to the extent necessary to determine the public agency's liability for employer and employee contributions, penalties and interest required under the terms of the agreement The cost of such audits as determined by the board in a manner approved by the Department of Finance shall be assessed against such public agency and each public agency so assessed shall reimburse the State for such cost.

Article 3. OASI Revolving Fund

OASI Revolving Fund: Appropriation

22600. The Old Age and Survivors' Insurance Revolving Fund is continued in existence. All money in said revolving fund is appropriated without regard to fiscal years to the board to carry out the provisions of this part.

Purposes for use of fund

22601. The Old Age and Survivors' Insurance Revolving Fund may be used by the board for the following purposes and for any other purposes necessary to carry out the provisions of this part:

(1) To reimburse any appropriation available for the support of the board or of any state office or agency designated by the board to assist in the administration of the provisions of this part.

(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 22553, 22554 and 22555 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 failure of any such public agency or agencies for any cause or reason to pay the contributions, penalties or interest required by the agreement and federal regulations adopted pursuant thereto at such times and in such amounts as required by the agreement and the said federal regulations.

(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.

(5) To make any and all payments which the State may be required to make to the Federal Government pursuant to the agreement and federal regulations adopted pursuant thereto.

Deposits in fund

22602. With the exception of penalties and interest as provided by Sections 22551 and 22556, any and all moneys received by the board from public agencies under the provisions of this part may be deposited in such revolving fund.

Deficiencies and excesses

22603. Deficiencies or excesses occurring in the Old Age and Survivors' Insurance Revolving Fund by reason of differences of a fraction of a cent in contributions or other amounts paid by a public agency under the provisions of this part shall be offset proportionately against the charges or assessments for administrative costs provided by Section 22551 Such offsets shall be applied annually by transfer between the said revolving fund and the appropriation available for the support of the board and upon request of the board the State Controller shall make such transfers.

Succession to certain powers of Director of Finance

SEC. 3. On and after July 1, 1955, the Board of Administration of the State Employees' Retirement System shall succeed to and is hereby vested with all powers, duties, functions, and jurisdiction of the Director of Finance vested in the director by any provision of Part 4, Division 5, Title 2 of this code except such powers, duties, functions, or jurisdiction as are expressly or by necessary implication retained in said director by the context of such provisions. The powers, duties, functions and jurisdiction of the Director of Finance under the provisions of Part 4, Division 5, Title 2 of this code are continued in said director until July 1, 1955.

Severability

SEC. 4 If any section, subsection, sentence, clause or phrase of this part is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this part. The Legislature hereby declares that it would have passed this part, and each chapter, article, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the chapters,

articles, sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Urgency

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

Sweeping changes have been made in the Social Security Act during 1954, providing, among other matters, that public agencies in this State with retirement systems may now be covered by the Old Age and Survivors' Insurance System of the Federal Government. Such agencies cannot be so covered unless and until the Government Code of this State is changed as herein provided, to conform with such changes in federal law. These amendments are necessary to allow such agencies to come under such federal program without making their participation retroactive, with a minimum of confusion.

CHAPTER 1442

An act to amend Section 74264 of the Government Code, relating to employees of the municipal court established in a district embracing the City of San Bernardino.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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

SECTION 1. Section 74264 of the Government Code is amended to read:

74264. The monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the schedule set forth below:

	B	C	D	E	F
Chief clerk	$438	$460	$483	$507	$538
Assistant clerk	327	343	360	378	397
Court clerk	282	296	311	327	343
Supervising clerk	282	296	311	327	343
Court clerk assistant	269	282	296	311	327
Clerk III	244	256	269	282	296
Clerk II	221	232	244	256	269
Marshal	475	475	475	475	475
Chief deputy marshal	327	343	360	378	397
Deputy marshal	296	311	327	343	360
Deputy bailiff	282	296	311	327	343
Deputy marshal clerk	244	256	269	282	296

The hiring salary for each position shall be the salary in Column "B." A service period of six months shall be required for a salary increase from Column "B" to Column "C" and one additional year's service for a salary increase from Column "C" to Column "D." A service period of 18 additional months shall be required for a salary increase from Column "D" to Column "E" and two additional years' service for a salary increase from Column "E" to Column "F."

CHAPTER 1443

An act to amend Sections 74842, 74843, 74844, 74845, 74846 and 74847 of the Government Code, relating to the municipal court established in a district embracing the City of Vallejo.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.] In effect September 7, 1955

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

SECTION 1. Section 74842 of the Government Code is amended to read:

74842. There shall be one clerk who shall receive a minimum salary of three hundred sixty-four dollars ($364) monthly with increments of twenty-one dollars ($21) and twenty-two dollars ($22) and twenty-four dollars ($24) and twenty-five dollars ($25) to a maximum of four hundred fifty-six dollars ($456) monthly. Clerk

SEC. 2. Section 74843 of said code is amended to read:

74843. The clerk may appoint: Deputy clerks

(a) One deputy clerk, grade 3, who shall receive a minimum salary of two hundred forty-seven dollars ($247) monthly with increments of fourteen dollars ($14) and fifteen dollars ($15) and fifteen dollars ($15) and eighteen dollars ($18) to a maximum of three hundred nine dollars ($309) monthly.

(b) Three deputy clerks, grade 2, each of whom shall receive a minimum salary of two hundred twenty-one dollars ($221) monthly with increments of twelve dollars ($12) and fourteen dollars ($14) and fourteen dollars ($14) and fifteen dollars ($15) to a maximum of two hundred seventy-six dollars ($276) monthly.

(c) Four deputy clerks, grade 1, each of whom shall receive a minimum salary of two hundred nine dollars ($209) monthly with increments of twelve dollars ($12) and twelve dollars ($12) and fourteen dollars ($14) and fourteen dollars ($14) to a maximum of two hundred sixty-one dollars ($261) monthly.

SEC. 3. Section 74844 of said code is amended to read:

74844. There shall be one marshal who shall receive six thousand dollars ($6,000) annually. Marshal

SEC. 4. Section 74845 of said code is amended to read:

74845. The marshal may appoint:

Deputy marshals

(a) Two deputy marshals, each of whom shall receive a minimum salary of three hundred nine dollars ($309) monthly with increments of seventeen dollars ($17) and eighteen dollars ($18) and twenty dollars ($20) and twenty-one dollars ($21) to a maximum of three hundred eighty-five dollars ($385) monthly.

(b) Three deputy marshals, each of whom shall receive a minimum salary of two hundred ninety-one dollars ($291) monthly with increments of eighteen dollars ($18) and seventeen dollars ($17) and eighteen dollars ($18) and twenty dollars ($20) to a maximum of three hundred sixty-four dollars ($364) monthly.

(c) One deputy marshal, who shall receive a minimum salary of two hundred forty-seven dollars ($247) monthly with increments of fourteen dollars ($14) and fifteen dollars ($15) and fifteen dollars ($15) and eighteen dollars ($18) to a maximum of three hundred nine dollars ($309) monthly.

SEC. 5. Section 74846 of said code is amended to read:

Attaches

74846. Attaches shall be hired at the minimum rate of salary except if it is difficult to secure qualified personnel, or if a person of unusual qualifications is hired, in which case the judge may hire at the salary indicated on the second step. Persons appointed to new positions in the court created after its establishment and who have discharged comparable duties in the court shall receive credit for their continuous prior service in determining their rate of compensation, and their prior service shall be deemed service in the new positions. Such credit shall be given only when the judge of the court determines that the officer is entitled to receive it.

SEC. 6. Section 74847 of said code is amended to read:

Salary of attaches

74847. After six months of satisfactory employment at the minimum rate of salary, the attache shall receive the first increment in salary. The second and all subsequent increments in salary shall be given not as a matter of right but only when the judge determines that the attache is properly entitled to receive it. Subsequent increments in salary shall be given in accordance with the following schedule:

(a) An employee may receive the second increment beginning on the first day of the month after completion of one year of service at the first increment.

(b) An employee may receive the third increment at the beginning of the fiscal quarter after completion of 18 months of service at the second increment.

(c) An employee may receive the fourth increment at the beginning of the fiscal quarter after completion of two years of service at the third increment.

Where, by reason of unusual circumstances, rigid adherence to the foregoing schedule would cause a manifest injustice, the judge may make such order relating thereto as in his discretion is proper.

Notwithstanding the foregoing provisions of this section, an employee who is promoted or reclassified from one class to another having a higher overlapping salary range shall be adjusted to the minimum of the new range or to one step above his old salary, but thereafter shall be governed by this section.

CHAPTER 1444

An act to amend Section 446 of the Education Code, relating to the school superintendent of a county of the forty-sixth class.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

In effect September 7, 1955

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

SECTION 1. 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 six thousand five hundred dollars ($6,500), and he shall possess a valid elementary administrative credential issued by the State Board of Education.

Tuolumne County Superintendent of Schools. Salary

CHAPTER 1445

An act to amend Section 28142 of the Government Code, relating to compensation for public service in counties of the forty-second class.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 28142 of the Government Code is amended to read:

28142. In a county of the forty-second class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

El Dorado County officers. Salaries

(a) The auditor, four thousand eight hundred dollars ($4,800) a year.

(b) The district attorney, seven thousand two hundred dollars ($7,200) a year. He shall not engage in private law practice during his term of office.

(c) Each supervisor, three thousand dollars ($3,000) a year and ten cents ($0.10) a mile: (1) each way, for traveling to and from his residence to the courthouse while going to or returning from meetings of the board of supervisors, and (2) for each mile actually and necessarily traveled when traveling,

either within or without the county, by order of the board of supervisors on county business.

(d) Grand jurors and all trial jurors in the superior court, for each day's attendance six dollars ($6), and fifteen cents ($0 15) for each mile actually traveled, in going only. The judge 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.

CHAPTER 1446

An act to add Section 405.5 to the Code of Civil Procedure, relating to fees for filing first papers.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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

SECTION 1. Section 405.5 is added to the Code of Civil Procedure, to read:

405.5. Whenever a person files a first paper in any civil action or proceeding, he shall pay to the clerk of the court at least the applicable fee prescribed by Sections 26821, 26826, 26827, 71665, 71665.5, 72055, or 72056 of the Government Code. The clerk shall thereupon file the paper and if any additional fee is required by law shall notify the party by mailing notice postage prepaid to the address stated by the party, and if the balance of the fee required is not paid within 20 days thereafter, the filing shall be ineffective for all purposes. The recital of the giving of notice and nonpayment of the fee in the certificate of the clerk shall be prima facie evidence of the facts recited therein.

CHAPTER 1447

An act to repeal Section 113 of the Government Code, relating to criminal jurisdiction.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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

SECTION 1. Section 113 of the Government Code is hereby repealed.

CHAPTER 1448

An act to add Section 6210.4a of the Public Resources Code, relating to rights of way over state lands.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 6210.4a is added to the Public Resources Code, to read:

6210 4a. All patents or conveyances issued by the State for sixteenth and thirty-sixth sections, or lands acquired in lieu thereof, and for swamp and overflow lands shall reserve to the State the areas of such lands covered by any existing rights of way issued by the State prior to the time of sale.

CHAPTER 1449

An act to amend Section 4167 of the Public Resources Code, relating to the use of adequate spark arresters.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 4167 of the Public Resources Code is amended to read:

4167. No person, copartnership, firm, corporation, or company shall use or operate in, on, or within one-half mile of any forest, brush, grass or grain covered land between April 15th and December 1st of any year, or during such other times of the year and in such areas when unusual fire hazard conditions are declared to exist by proclamation issued by the Director of Natural Resources, pursuant to Section 4153, any engine, machine, equipment or any steam, oil or gasoline operated stationary or mobile equipment from which a spark or fire may originate unless such equipment is provided with an effective device or spark arrester attached to the exhaust pipe which will prevent the escape of fire or sparks. For the purposes of this section, any motor vehicle equipped with a muffler as required by the Vehicle Code shall be deemed to be in compliance with this section.

Provided, further, that all mobile equipment, including trucks, tractors, bulldozers and other mobile equipment engaged in lumbering, logging, and other industrial operations in any forest, brush, grass or grain covered land, shall also be equipped with and carry at all times a serviceable shovel for use in the prevention and suppression of fire, except that mobile equipment used in the business of a common carrier by railroad does not have to be equipped with or to carry a shovel for use in the prevention and suppression of fire.

CHAPTER 1450

An act to amend Section 11292 of the Government Code, relating to cost of insuring motor vehicles.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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

SECTION 1. Section 11292 of the Government Code is amended to read:

11292. All money received pursuant to paragraphs (a) and (d) of Section 11290 shall be accounted for to the Controller at the close of each month and on order of the Controller be paid into the Treasury and credited to the appropriation from which the cost of such services was paid.

CHAPTER 1451

An act to amend Section 18404 of the Education Code, relating to school sites.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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

SECTION 1. Section 18404 of the Education Code is amended to read:

18404. To promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites, the governing board of each school district, including districts governed by a city board of education if the proposed site is within two miles, measured by air line, of that point on an airport boundary which is nearest the site and excluding them if the property is not so located, before acquiring title to property for a new school site or for an addition to a present site, shall give the State Department of Education notice in writing of the proposed acquisition and shall submit any information required by the Department of Education.

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the Department of Education shall notify the California Aeronautics Commission, in writing, of the proposed acquisition. The California Aeronautics Commission shall make an investigation and report to the Department of Education within 25 days after receipt of the notice. If the California Aeronautics Commission is no longer in operation, the Department of Education shall, in lieu of notifying the commission, notify the Civil Aeronautics Authority or any other appropriate agency, in writing, of the proposed acquisition for the

purpose of obtaining from the authority or other agency such information or assistance as it may desire to give.

The State Department of Education shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the State Department of Education has been received. If the report does not favor the acquisition of the property for a school site or an addition to a present school site, the governing board shall not acquire title to the property until 30 days after the department's report is received.

CHAPTER 1452

An act to add Sections 416.1, 416.2, 416.3 and 435 to, and to amend Sections 442, 581a, 585, 586, and 1014 of, the Code of Civil Procedure, relating to motions.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 416.1 is added to the Code of Civil Procedure, to read:

Notice of motion to quash service of summons

416.1. Any defendant or cross-defendant upon whom service of summons has been made may serve and file, on or before the last day on which he is required to plead, or within such further time as the court may for good cause allow, a notice of motion to quash the service of summons, upon the ground of lack of jurisdiction of the court over him. The notice shall designate as the time of making such motion a date not more than 10 days following the filing of such notice of motion. In the event of the service and filing of such motion, the time of the moving party to plead to the complaint or cross-complaint shall be extended, and no default may be entered against him, until the expiration of 10 days following service upon him of written notice of entry of an order of the court denying the motion. Upon good cause being shown, the court may extend the latter 10-day period for an additional period not exceeding 20 days. Neither an application to the court by any defendant or cross-defendant for an extension of time within which to plead, nor the granting of such extension nor entering into a stipulation of the parties for such extension, shall constitute a general appearance by said defendant or cross-defendant.

SEC. 2. Section 416.2 is added to said code, to read:

General appearance

416.2. If a defendant or cross-defendant moves to quash service of summons in the manner provided in Section 416.1 of this code, and also moves for relief under Section 473 of

this code, the latter motion shall not constitute a general appearance by the moving party.

SEC. 3. Section 416.3 is added to said code, to read:

Denial of motion

416.3. If a motion of a defendant or cross-defendant to quash service of summons, as provided in Section 416.1 of this code, is denied by the court, he may, before pleading, and within 10 days after service upon him of written notice of the order of the court denying the motion, or within such additional time not exceeding 20 days as the court may allow, petition an appropriate appellate court for a writ of mandate directed to the court wherein the action or proceeding is pending requiring the entry of its order quashing the service of summons. If he shall thereupon serve upon the adverse party and file with the clerk of the latter court a notice that he has petitioned for such writ of mandate, his time to plead shall be extended, and no default may be entered against him, for a period of 10 days following written notice of the final judgment in the mandamus proceeding, which time for good cause may be extended by the court for an additional period of not to exceed 20 days.

SEC. 3a. Section 435 is added to said code, to read:

Notice of motion to strike complaint

435. The defendant, within the time required in the summons to answer, either at the time he demurs to the complaint, or without demurring, may serve and file a notice of motion to strike the whole or any part of the complaint. The notice of motion to strike shall specify a hearing date not more than 15 days from the filing of said notice, plus any additional time that the defendant, as moving party, is otherwise required to give the plaintiff. If defendant serves and files such a notice of motion without demurring, his time to answer the complaint shall be extended and no default may be entered against him, except as provided in Sections 585 and 586, but the filing of such a notice of motion shall not extend the time within which to demur.

SEC. 4. Section 442 of said code is amended to read:

Cross-complaint

442. Whenever the defendant seeks affirmative relief against any party, relating to or depending upon the contract, transaction, matter, happening or accident upon which the action is brought or affecting the property to which the action relates, he may, in addition to his answer, file at the same time, or by permission of the court subsequently, a cross-complaint. The cross-complaint must be served upon the parties affected thereby, and such parties may demur or answer thereto, or file a notice of motion to strike the whole or any part thereof, as to the original complaint. If any of the parties affected by the cross-complaint have not appeared in the action, a summons upon the cross-complaint must be issued and served upon them in the same manner as upon the commencement of an original action.

SEC. 5. Section 581a of said code is amended to read:

Motion to dismiss

581a. No action heretofore or hereafter commenced shall be further prosecuted, and no further proceedings shall be had

therein, and all actions heretofore or hereafter commenced must be dismissed by the court in which the same shall have been commenced, on its own motion or on the motion of any party interested therein, whether named in the complaint as a party or not, unless summons shall have issued within one year, and all such actions must be in like manner dismissed, unless the summons shall be served and return thereon made within three years after the commencement of said action, except where the parties have filed a stipulation in writing that the time may be extended. But all such actions may be prosecuted, if general appearance has been made by the defendant or defendants, within said three years in the same manner as if summons had been issued and served; provided, that, except in actions to partition or to recover possession of, or to enforce a lien upon, or to determine conflicting claims to, real or personal property, no dismissal shall be had under this section as to any defendant because of the failure to serve summons on him during his absence from the State, or while he has secreted himself within the State to prevent the service of summons on him.

All actions, heretofore or hereafter commenced, must be dismissed by the court in which the same may be pending, on its own motion, or on the motion of any party interested therein, if summons has been served, and no answer has been filed, if plaintiff fails, or has failed, to have judgment entered within three years after service of summons, except where the parties have filed a stipulation in writing that the time may be extended.

A motion to dismiss pursuant to the provisions of this section shall not, nor shall any extension of time to plead after such motion, constitute a general appearance.

SEC. 6. Section 585 of said code is amended to read:

585. Judgment may be had, if the defendant fails to answer the complaint, as follows: Default judgments

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 or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons pursuant to Section 416.1 of this code or notice of the filing of a petition for writ of mandate as provided in Section 416.3 of this code has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon application of the plaintiff, and proof of such service of summons, must enter the default of the defendant or defendants, so served, and immediately thereafter enter judgment for the principal amount demanded in the complaint or a lesser amount if credit has been acknowledged, together with interest allowed by law or in accordance with the terms of the contract, and the costs against said defendant, or defendants, or against one or more of said defend-

ants. If, by rule of court, a schedule of attorney fees to be allowed has been adopted, the clerk may include in the judgment an attorney fee in accordance with such schedule if the contract provides that an attorney fee be allowed in the event of an action thereon; provided, that plaintiff shall have the right, upon filing a written request at the time of application for entry of the default of the defendant or defendants, to have the attorney fee fixed by the court, whereupon, after the entry of said default, the court shall hear the application for determination of the attorney fee and render judgment for the same and for the other relief demanded in the complaint, or a lesser amount if credit has been acknowledged, and the costs against said defendant, or defendants, or against one or more of said defendants.

2. In other actions, if the defendant has been personally served and no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons pursuant to Section 416.1 of this code or notice of the filing of a petition for writ of mandate as provided in Section 416.3 of this code has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, in courts having a clerk, must enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint; in courts which have no clerk, the court must hear the evidence offered by the plaintiff, and must render judgment in his favor for such sum (not exceeding the amount stated in the complaint), as appears by such evidence to be just. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved, by a reference as above provided.

3. In all actions where the service of the summons was by publication the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons pursuant to Section 416.1 of this code or notice of the filing of a petition for writ of mandate as provided in Section 416.3 of this code has been filed, apply for judgment; and the court must thereupon require proof to be made of the allegations of the complaint; and if the defendant is not a resident of the State, must require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to anyone for his use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he is entitled to recover; pro-

vided that, in all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by prescription, and in all cases where the plaintiff bases his claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before rendering such judgment; provided further, however, that in actions involving merely the possession of real property where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will or succession but only the possession thereof, the court may render judgment upon proof of occupancy by plaintiff and ouster by defendant.

A notice of motion to strike within the meaning of this section is a notice of motion to strike the whole or any part of a pleading filed within the time within which the moving party is required otherwise to plead to said pleading. The notice of the motion to strike shall specify a hearing date not more than 15 days from the filing of said notice, plus any additional time that the moving party is otherwise required to give the adverse party. The filing of such notice of motion does not extend the time within which to demur.

SEC. 7. Section 586 of said code is amended to read:

586. In the following cases the same proceedings must be had, and judgment must be rendered in the same manner, as if the defendant had failed to answer: Other defaults

1. If the complaint has been amended, and the defendant fails to answer it, as amended, or demur thereto, or file a notice of motion to strike, of the character specified in Section 585, within 10 days after service thereof or within the time allowed by the court;

2. If the demurrer to the complaint is overruled and a motion to strike, of the character specified in Section 585, is denied, or where only one thereof is filed, if the demurrer is overruled or the motion to strike is denied, and the defendant fails to answer the complaint within the time allowed by the court;

3. If a motion to strike, of the character specified in Section 585, is granted in whole or in part, and the defendant fails to answer the unstricken portion of the complaint within the time allowed by the court, no demurrer having been sustained or being then pending;

4. If a motion to quash service of summons has been filed or writ of mandate sought and notice thereof given, as provided in Section 416.1 or Section 416 3 of this code, and upon denial of such motion or writ, defendant fails to plead to the complaint, within the time provided in said sections or as otherwise provided by law;

5. If the demurrer to the answer is sustained and the defendant fails to amend the answer within the time allowed by the court.

SEC. 8. Section 1014 of said code is amended to read:

Appearance

1014. A defendant appears in an action when he answers, demurs, files a notice of motion to strike, or gives the plaintiff written notice of his appearance, or when an attorney gives notice of appearance for him. After appearance, a defendant or his attorney is entitled to notice of all subsequent proceedings of which notice is required to be given. But where a defendant has not appeared, service of notice or papers need not be made upon him unless he is imprisoned for want of bail

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CHAPTER 1453

An act to amend Sections 1300.12, 1300.16, 1300.19, and 1300.28 of the Agricultural Code, relating to the administration and enforcement of the California Marketing Act of 1937, as amended, and marketing orders and marketing agreements issued and made effective thereunder.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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

SECTION 1. Section 1300.12 of the Agricultural Code is amended to read:

"Cartwright Act"

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 connected with them, and to promote free competition in commerce and all classes of business in this State," approved March 23, 1907, as amended.

"Unfair Practices Act"

(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.

"Agricultural commodity"

(c) "Agricultural commodity" means any and all agricultural, horticultural (including floricultural), viticultural (including wine) and vegetable products produced in this State, or any class, variety or utilization thereof, 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 and manufacturing milk as such milk is defined in Section 452, Chapter 2, Division 4 of this code, 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. "Producer"

(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. "Handler"

(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. "Processor"

(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. "Distributor"

(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 herein set forth, to the extent that he engages in the business of a distributor as herein defined. "Retailer"

(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. "Person"

(j) "Director" means the Director of Agriculture. "Director"

(k) "Marketing order" means an order issued by the Director of Agriculture, pursuant to this chapter, 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. "Marketing order"

(*l*) "To handle" means to engage in the business of a handler as herein defined. "To handle"

"To process" (m) "To process" means to engage in the business of a processor as herein defined.

"To distribute" (n) "To distribute" means to engage in the business of a distributor as herein defined.

"Producer marketing," etc (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.

"Advertising and sales promotion" (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.

"Directly affecting" (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.

"General rules and regulations" (r) "General rules and regulations" mean rules and regulations, applicable to all marketing orders and marketing agreements, issued and made effective by the director without prior notice and public hearing, to provide uniform methods and procedures to facilitate the administration and enforcement of all such marketing orders and marketing agreements. Such uniform methods and procedures may include but shall not be limited to methods and procedures pertaining to the receiving, depositing and expenditure of moneys received from assessments collected hereunder; the preparation, handling and payment of claim schedules for the payment of bills, salaries and other obligations; establishing the maximum rates to be allowed for travel expenses of board members and board employees; the preparation, verification and filing of evidence relating to violations of marketing orders, agreements and marketing regulations authorized hereunder and other fiscal and administrative activities which the director finds are necessary to obtain reasonable uniformity, efficiency and economy in the administration and enforcement of such marketing orders and agreements of this act.

"Administrative rules and regulations" (s) "Administrative rules and regulations" mean rules and regulations applicable to a particular marketing order or agreement, issued and made effective by the director upon recommendation of the advisory board concerned, without prior notice and public hearing, to provide methods and procedures to facilitate the administration and enforcement of such marketing order or agreement. Such rules and regulations

may include but shall not be limited to methods and procedures for the purpose of explaining or clarifying the provisions of such marketing order or agreement; prescribing reporting forms and procedures to be followed by producers and handlers directly affected by the provisions of such marketing order or agreement; providing information to producers and handlers subject to the provisions of such marketing order or agreement and other similar procedural and explanatory provisions to enable such producers and handlers better to understand the program and their respective obligations thereunder and thereby assist in obtaining cooperation and compliance.

"Seasonal marketing regulations"

(t) "Seasonal marketing regulations" mean marketing regulations, applicable to a particular marketing order or agreement, made effective by the director upon recommendation of the advisory board concerned without prior notice and public hearing, for the purpose of carrying into effect by administrative order, the marketing regulatory authorizations and provisions of such marketing order or agreement as such authorizations or provisions may be applicable to or required by changing economic or marketing conditions and requirements from time to time during each marketing season in which such marketing order or agreement may operate. Such seasonal marketing regulations shall not extend beyond the marketing regulatory authorizations specified in the marketing order or agreement concerned, or modify or change the language of such marketing order or marketing agreement by adding to or subtracting from such marketing order or agreement any of the marketing regulatory authorizations classed in Section 1300.16 of this act as major amendments or modify the language of any marketing order or agreement for the purpose of clarification as provided in said section of this act for minor amendments.

"Major amendments"

(u) "Major amendments" are amendments to any marketing order or agreement made effective by the director after notice, public hearing and industry assent as required in this act, which change or modify the language and the provisions of such marketing order or agreement for the purpose of adding to or subtracting from such marketing order or agreement in a manner classed in Section 1300.16 of this act as a major amendment; provided, that the exercise by the director of regulatory authority authorized in a marketing order or marketing agreement shall not be considered to be a major amendment as such amendments are classed in said Section 1300.16 but shall be considered to be seasonal marketing regulations as defined in this section.

"Minor amendments"

(v) "Minor amendments" are amendments to any marketing order or agreement made effective by the director upon recommendation of the advisory board concerned, as specified in subdivision (d) of Section 1300.16, with or without prior notice and public hearing, which change or modify the language or the provisions of any such marketing order or agreement for the purpose of clarification or the removal of conflicts

of meaning without involving changes or modifications of language or provisions which, pursuant to the provisions of this section, are classed as major amendments.

SEC. 2. Section 1300.16 of said code is amended to read:

Handler's assent

1300.16. (a) (1) No marketing order or major amendment thereto, directly affecting handlers, issued pursuant to this chapter, shall become effective unless and until the director finds that such marketing order or amendment thereto has been assented to in writing by the handlers engaged in the marketing activity or activities regulated by such marketing order who handle not less than sixty-five percent (65%) of the volume of the agricultural commodity regulated thereby which is processed or distributed within the area defined in such marketing order or amendment thereto, or that such marketing order or amendment thereto has been assented to in writing by not less than sixty-five percent (65%) of the number of handlers engaged in the marketing activity or activities regulated by such marketing order; provided, however, that any marketing order or major amendment thereto directly affecting processors engaged in the operation of canning of fresh fruits or vegetables or canning or packing of dried fruits shall not be made effective by the director unless and until the director finds that such marketing order or amendment thereto has been assented to in writing by such processors engaged in the marketing activity or activities regulated by such marketing order or amendment thereto who processed not less than sixty-five percent (65%) of the volume of such agricultural commodity which is processed within the area defined in such marketing order or amendment thereto and by sixty-five percent (65%) of the number of such processors engaged in the marketing activity or activities regulated by such marketing order or amendment thereto.

Producer's assent

(2) No marketing order or major amendment thereto, directly affecting producers or producer marketing, issued pursuant to this chapter, shall be made effective by the director unless and until the director finds one or more of the following: (A) that such marketing order or amendment thereto has been assented to in writing by not less than sixty-five percent (65%) of the producers who are engaged, within the area specified in such marketing order or amendment thereto, in the production for market or engaged in such producer marketing, of not less than fifty-one percent (51%) of the agricultural commodity specified therein in commercial quantities, or (B) that such marketing order or amendment thereto has been assented to in writing by producers who produce not less than sixty-five percent (65%) of the volume of such agricultural commodity and by fifty-one percent (51%) of the total number of producers so engaged, or (C) that such marketing order or amendment thereto has been approved or favored by producers in a referendum among producers directly affected if the valid votes cast in such referendum in favor of such marketing order or amendment thereto represent not less than fifty-one percent (51%) of the total number of producers of said commodity of record

with the department who marketed not less than fifty-one percent (51%) of the total quantity of said commodity marketed in the next preceding marketing season by said total number of producers of record with the department. Whenever any marketing order or any major amendment to any marketing order is issued by the director, he shall determine whether assent, approval, or favor thereto of the producers shall be by written assents or by referendum.

Referendum

If the director determines that a referendum shall be had, he shall establish a referendum period of sixty (60) days. At the close of such referendum period, the director shall count and tabulate the ballots filed during said period. If from such tabulation the director finds that the number of producers voting in favor of such marketing order or amendment thereto is not less than fifty-one percent (51%) of the total number of producers of record with the department and that such producers who voted in favor of said marketing order or amendment thereto marketed not less than fifty-one percent (51%) of the total volume of such commodity marketed by all producers of record with the department during the marketing season next preceding such referendum the director may make such marketing order or amendment thereto effective. If he finds from the tabulation of such referendum that the number of producers who have voted in favor of such marketing order or amendment thereto is less than the required fifty-one percent (51%) of the total number of producers of record with the department or that the producers who have voted in favor of such marketing order or amendment thereto represent less than fifty-one percent (51%) of the total quantity of such agricultural commodity marketed by all producers of such commodity of record with the department during the marketing season next preceding the conducting of such referendum, or that such votes in favor represent less than fifty-one percent (51%) of the total by both number of producers and quantity of the commodity, the director may extend the period of such referendum for not exceeding thirty (30) days. At the close of such extended period the director shall again count and tabulate all ballots received during the entire period of referendum and he shall be authorized to make such marketing order or amendment thereto effective if he finds that not less than fifty-one percent (51%) of the total number of producers of such commodity of record with the department have voted in favor of such marketing order or amendment thereto and that such producers marketed not less than fifty-one percent (51%) of the total quantity of such commodity marketed by all producers of record with the department during the marketing season next preceding the conducting of such referendum. The director is authorized to prescribe such additional procedures as may be necessary to conduct such referendum.

Cooperative association's assent

(3) In finding whether such marketing order or major amendment thereto is assented to in writing or approved or favored by producers pursuant to the provisions of this

chapter, the director shall consider the approval of any nonprofit agricultural cooperative marketing association, which is authorized by its members so to assent, as being the assent, approval or favor of the producers who are members of, or stockholders in, such nonprofit agricultural cooperative marketing association.

Hearing

(4) At each public hearing upon a marketing order or a major amendment thereto, the director shall receive testimony or evidence relative to the period of time which may be necessarily required for the filing, checking, and tabulating of written assents prescribed in this section. At the conclusion of each such hearing the director shall make a finding, based upon the evidence and testimony so received, with respect to the period of time which may be reasonably and necessarily required for such filing, checking and tabulating. On the basis of such finding the director shall fix and limit the period during which such assents may be received by the director and such period shall be announced by the director at the time of mailing of assent forms to producers and handlers affected; provided, however, that if the director finds that an extension of such period is reasonably warranted he may extend such period for receiving assents.

Written assents Limitation on receipt

Extension

Finding re written assent or referendum After public hearing

At a public hearing held to consider a proposed marketing order or major amendments to an existing marketing order which directly affects producers or producer marketing, the director shall also receive testimony or evidence from which he can determine whether the assent, approval or favor of such producers shall be determined by written assents or by referendum as hereinabove prescribed. Upon the conclusion of any hearing which involves a marketing order or a major amendment thereto directly affecting producers or producer marketing, the director shall make a finding, based upon testimony and evidence received, whether producer assent, approval or favor shall be determined by written assents or by referendum.

Referendum

If the director finds that a referendum shall be had, he shall direct that a referendum be held in accordance with the provisions of subdivision (a) (2) of this section. If a referendum is conducted, the director shall not be required, with respect to the assent, approval or favor of producers, to make a finding concerning or fix and limit the period during which assents may be received by the director.

Regulation of producer marketing, etc

(b) Subject to the provisions, restrictions and limitations imposed herein, the director may issue marketing orders regulating producer marketing, the processing, distributing or handling in any manner of agricultural commodities by any and all persons engaged in such producer marketing, processing, distributing or handling of such agricultural commodities within this State.

Suspension, termination, etc., of marketing order

(c) The director shall suspend or terminate any marketing order, whenever he finds, after a public hearing duly noticed and held in accordance with the provisions of Section 1300.13 of this chapter, that such marketing order is contrary to or

does not tend to effectuate the declared purposes or provisions of this chapter within the standards and subject to the limitations and restrictions herein imposed; provided, that such suspension or termination shall not become effective until the expiration of the marketing season then current. If the director finds that the termination of any marketing order is requested in writing by more than forty percent (40%) of the producers, who are engaged within the State of California in the production for market of the agricultural commodity specified in such marketing order, and who produce forty percent (40%) of the volume of such agricultural commodity produced within the State of California for market, and finds that the termination of such marketing order is requested in writing by handlers who handle more than forty percent (40%) of the volume of the agricultural commodity covered thereby and by more than forty percent (40%) of the number of handlers of the agricultural commodity covered thereby, the director shall, if he finds such marketing order is contrary to or does not tend to carry out the declared policy of this chapter, terminate such marketing order; provided, that such termination shall be effective only if announced on or before such date (prior to the end of the marketing period then current) as may be specified in such marketing order.

Amendment of marketing order
Minor amendments

(d) Upon the recommendation of not less than seventy-five percent (75%) of the producer members or handler members of the advisory board, or not less than seventy-five percent (75%) of each group if both are represented upon the advisory board, the director may make effective minor amendments to a marketing order. The director may require a public hearing upon minor amendments if in his opinion the substance of such minor amendments so warrant; the director shall, however, not be required to submit minor amendments for written assents or referendum approval.

Major amendments
Scope

In making effective major amendments to a marketing order the director shall follow the same procedures prescribed in this chapter for the institution of a marketing order. For the purposes of this chapter a major amendment to a marketing order shall include but not be limited to any amendment which adds to or deletes from any such marketing order any of the following types of regulations or authorizations:

(1) Authority for determining the existence and extent of the surplus of any agricultural commodity or of any grade, size or quality thereof and providing for the control and disposition of such surplus and for equalizing the burden of such surplus elimination and shall also include the establishment of a stabilization fund for equalizing surplus obligations.

(2) Authority for limiting the total quantity of any agricultural commodity or of any grade, size or quality thereof which may be prepared for market or marketed within the State of California.

(3) Authority for allotting the quantity of any agricultural commodity or of any grade, size or quality thereof which any

handler may purchase or acquire from or handle on behalf of any and all producers thereof within the State of California.

(4) Authority for allotting the quantity of any agricultural commodity or of any grade, size or quality thereof which any handler may process, distribute or handle within the State of California.

(5) Authority for regulating the period or periods during which any agricultural commodity or any grade, size or quality of such commodity may be processed, distributed or otherwise marketed within the State of California.

(6) Authority for the establishment of surplus, stabilization, or by-product pools for any agricultural commodity or of any grade, size, quality or condition thereof.

(7) Authority for the establishment of uniform grading and inspection of any agricultural commodity and the establishment of grading standards of quality, condition, size or pack of such commodity.

(8) Authority for the establishment of plans for advertising and sales promotion of any agricultural commodity.

(9) Authority to prohibit unfair trade practices.

(10) Authority for the establishment of production adjustment requirements and benefit payments relating thereto.

(11) Authority for carrying out research studies in the production, processing or distribution of any agricultural commodity.

(12) Authority to increase an assessment rate beyond the maximum rate authorized by the marketing order in effect.

(13) Authority to extend the application of the provisions of any marketing order to portions or uses of an agricultural commodity not previously subject to such provisions or to restrict or extend the application of such provisions upon the producers or handlers of such portions or uses of any such commodity.

Modification of any provisions of any marketing order in effect for the purpose of clarifying the meaning or application of such provisions or modifying administrative procedures for carrying out such provisions are hereby declared not to be a major amendment of such marketing order.

Public notice of issuance, suspension, etc., of marketing order

(e) Upon issuance of any order making effective a marketing order, or any suspension, amendment or termination thereof, a notice thereof shall be posted on a public bulletin board to be maintained by the director in his office and a copy of such notice shall be published in a newspaper of general circulation published in the capital of the State and in such other newspaper or newspapers as the director may prescribe.

Effective date

No marketing order or any suspension, amendment or termination thereof shall become effective until the termination of a period of five (5) days from the date of such posting and publication. It shall also be the duty of the director to mail a copy of the notice of said issuance to all persons, directly affected by the terms of such marketing order, suspension,

amendment or termination, whose names and addresses may be on file in the office of the director and to every person who files in the office of the director a written request for such notice.

Rules and regulations

(f) The director shall have power, consistent with this chapter and in accordance with the provisions of marketing orders and agreements made effective hereunder, to establish such general rules and regulations for uniform application to all marketing orders and marketing agreements issued hereunder as may be necessary to facilitate the administration and enforcement of such marketing orders and agreements. The provisions of paragraph (e) of this section relative to posting, publication, and time of taking effect shall be applicable to any such general rule or regulation established pursuant to this paragraph and applicable to marketing orders generally. Such notice shall be mailed to the advisory board for each marketing order or marketing agreement in active operation.

Administrative rules and regulations

(g) Upon recommendation of the advisory board concerned, the director shall have power, consistent with this chapter, to establish administrative rules and regulations for each marketing order or marketing agreement issued and made effective as may be necessary to facilitate the administration and enforcement of each such order or agreement. The provisions of paragraph (e) of this section relative to posting, publication, mailing of notice and time of taking effect shall be applicable to any such administrative rules and regulations.

Seasonal marketing regulations

(h) Upon recommendation of the advisory board concerned, the director may, without prior notice to and public hearing for the producers or handlers of the commodity directly affected, issue and make effective seasonal marketing regulations or modifications thereof, provided that the marketing order, or agreement concerned, made effective after due notice, public hearing and written assent as required by this act, (1) provides for the issuance or modification of such seasonal marketing regulations without requiring such prior notice and public hearing and (2) sets forth the limits within which such seasonal marketing regulations may be made effective or subsequently modified by the director; and provided further, that the director finds that such seasonal marketing regulations or modifications thereof are reasonable and proper and a practical means of carrying out the marketing provisions authorized in such marketing order or agreement and will effectuate the declared purposes and policies of the act with respect to such agricultural commodity. Notice of the issuance and the effective date of any such seasonal marketing regulations or modifications thereof shall be given by the director to all producers and handlers directly affected by any such regulations in the manner and within the time specified in the applicable marketing order or agreement or as specified in the administrative rules and regulations made effective for such

marketing order or agreement pursuant to paragraph (g) hereof.

It is recognized that with respect to some agricultural commodities, marketing, weather and other conditions may change so rapidly as to require changes in seasonal marketing regulations from week to week or oftener.

Construction

It is intended that the provisions of this subsection be interpreted liberally so that the director may be enabled to carry out the marketing regulations and procedures authorized herein in a practical and effective manner.

SEC. 3. Section 1300.19 of said code is amended to read:

Enforcement

1300.19. The Director of Agriculture shall be responsible for the administration and enforcement of this chapter.

The following penalties, remedies, procedures and actions shall apply in instances of violations and complaints of violations of the provisions of this chapter or of any marketing order or the rules and regulations issued by the director under the authority of this chapter or any marketing order issued and effective thereunder:

Violation

(a) Every person who violates any provision of this chapter or any provision of any marketing order duly issued by the director hereunder, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars ($50), nor more than five hundred dollars ($500), or by imprisonment of not less than 10 days nor more than six months, or by both such fine and imprisonment. Each violation during any day shall constitute a separate offense.

Civil penalty

(b) Any person who violates any provision of this chapter or any marketing order duly issued by the director and in effect hereunder, or who violates any rule or regulation issued by the director pursuant to the provisions of this chapter or of any marketing order duly issued by the director and effective hereunder, shall be liable civilly for a penalty in an amount not to exceed a sum of five hundred dollars ($500) for each and every violation thereof. Any moneys recovered pursuant to this paragraph shall be deposited in accordance with paragraph (f) of Section 1300.17.

Complaint

(c) The director on his own motion may or upon complaint of any interested party charging violation of any provision of this chapter or of any provision of any marketing order or any rule or regulation issued by the director and effective hereunder, shall either refer the matter directly to the Attorney General of this State or any district attorney of this State for the institution of legal proceedings thereupon, or, if the director deems it necessary or advisable, he shall immediately call an administrative hearing to consider the charges set forth in such verified complaint. In case the matter is referred directly by the director to the Attorney General or any district attorney, it shall be the duty of such officer, if, after examination of the complaint and evidence he believes that a violation has occurred, to thereupon bring an

appropriate action or actions in a court or courts of competent jurisdiction in this State.

Hearing

(d) In case an administrative hearing is called by the director, the director shall cause a copy of such complaint, together with a notice of the time and place of hearing of such complaint, to be served personally or by mail upon the person or persons named as respondent or respondents in such verified complaint. Such service shall be made at least 10 days before said hearing, which shall be held in the city or town in which is situated the principal place of business of the respondent, or in which the violation complained of is alleged to have occurred, or in the nearest office of the State Department of Agriculture, at the discretion of the director. At the time and place designated for such administrative hearing, the director or his agents shall hear the parties to said complaint and shall enter in the office of the director at Sacramento, his findings based upon the facts established at such hearing. If from the testimony and evidence adduced at said administrative hearing the director finds that no violation has occurred he shall forthwith dismiss such complaint and notify the parties to such complaint.

Findings

(e) If the director finds from said administrative hearing that a violation has occurred he shall so enter his findings and notify the parties to such complaint. In his discretion the director shall either refer the matter to the Attorney General for the institution of legal proceedings or he may notify such parties to cease and desist from further violation. Upon their refusal or failure to comply, or if he finds that the facts or circumstances warrant immediate prosecution, the director shall file a complaint with the Attorney General or any district attorney of this State requesting that such officer commence any or all actions authorized in this section against such respondent or respondents in a court of competent jurisdiction as set forth hereinafter.

Prosecution by director

Other court actions

(f) The Attorney General of this State, or any district attorney of this State, shall upon complaint by the director or any other person, or may, upon his own initiative, if, after examination of the complaint and evidence he believes a violation to have occurred, bring an action for criminal penalties in the name of the people of this State in any court of competent jurisdiction in the State of California against any person violating any provisions of this chapter or of any marketing order duly issued by the director and effective hereunder.

Civil penalties or injunction

(g) The Attorney General of this State shall upon complaint by the director or may, upon his own initiative, if, after examination of the complaint and evidence he believes a violation to have occurred, bring an action in the name of the people of this State in the superior court of the State of California for civil penalties or for an injunction, or both, against any person violating any provisions of this chapter or of any marketing order or any rule or regulation duly issued by the director hereunder.

Injunction

(h) Upon compliance with Section 527 of the Code of Civil Procedure of the State of California, the court may issue a temporary restraining order and preliminary injunction as in other actions for injunctive relief and upon trial of such action, if judgment be in favor of plaintiff, the court shall permanently enjoin defendant from further violations.

Costs of suit

(i) In any suit brought by the Attorney General to enforce any of the provisions of this chapter or of any marketing order issued by the director and effective hereunder or of any rule or regulation issued by the director pursuant to the provisions of any marketing order, the judgment, if in favor of the State, shall provide that the defendant pay to the director the costs incurred by the director and by the advisory board concerned with the administration of such marketing order in the prosecution of such action. Any moneys recovered shall be deposited in accordance with paragraph (f) of Section 1300.17.

Venue

(j) Any such action may be commenced either in the county where defendant resides, or where any act or omission or part thereof complained of occurred.

Unauthorized use of labels, etc

(k) Whenever the use by a producer or handler of a particular emblem, label, certificate or other distinctive designation of grade, quality or condition other than grade or other quality designations then in effect pursuant to state or federal grade standards is made contingent upon compliance with certain production or handling regulations authorized by the provisions of a marketing order or agreement issued and made effective hereunder, it shall be unlawful and a violation of this chapter for any person, who is not participating in and complying with such order, agreement or regulations to use such designation of grade, quality or condition.

Misdemeanors

(*l*) It shall be a misdemeanor for:

(1) Any person to wilfully render or furnish a false or fraudulent report, statement or record required by the director pursuant to the provisions of this chapter, or any marketing order effective thereunder;

(2) Any person engaged in the handling or processing of an agricultural commodity or in the wholesale or retail trade thereof to fail or refuse to furnish to the director or his duly authorized agents, upon request, information concerning the name and address of the persons from whom he has received an agricultural commodity regulated by a marketing order issued and in effect hereunder, and the quantity of such commodity so received.

(m) The penalties and remedies prescribed in this section with respect to any violation mentioned in this section shall be concurrent and alternative and neither singly nor combined shall the same be exclusive and either singly or combined the same shall be cumulative with any and all other civil, criminal or administrative rights, remedies, forfeitures or penalties provided or allowed by law with respect to any such violation.

Inspection of agricultural commodities

(n) Any authorized inspector or other authorized person discharging his duties in the checking of compliance with the

provisions of any marketing order made effective pursuant to this chapter may enter and inspect any premises, enclosure, building or conveyance where he has reason to believe any agricultural commodity subject to a marketing order is produced, stored, being prepared for market or marketed, and inspect or cause to be inspected such representative samples of the commodity as may be necessary to determine whether or not any lot of said commodity is in compliance with applicable regulations of any marketing order made effective pursuant to the provisions of this chapter.

Impounding for inspection purposes

(o) Any authorized inspector or other authorized person in the discharge of his duties, if he has reason to believe that a lot of any agricultural commodity subject to a marketing order or marketing agreement issued hereunder is not in compliance with the requirements of such marketing order or agreement, or of marketing rules and regulations issued pursuant thereto, as to quality, condition, size, maturity, pack, labeling or markings, may hold such lot for a reasonable period of time sufficient to enable such officer to ascertain by an authorized inspection whether such lot complies with such marketing requirements but in any event not to exceed 24 hours in the case of perishables or 72 hours in the case of nonperishables, except as hereinafter provided.

Warning tags, etc

Following inspection, such inspector or other authorized person may affix to any lot which is determined to be in noncompliance, an official notice, warning tag or other appropriate marking warning that the lot is held and stating the reasons therefore. It is unlawful for any person, other than an authorized inspector or enforcing officer, to detach, alter, deface or destroy any such official notice, warning tag or marking so affixed to any such lot or to remove or dispose of such lot in any manner or under conditions other than as prescribed in such notice of noncompliance except upon written permission of an authorized enforcing officer or by order of a court of competent jurisdiction.

Noncompliance notices

The director, or the authorized person by whom such lot is being held, shall serve the person in possession of said lot with a notice of noncompliance. Such notice shall be served in person or by mail to the last known address of such person in possession. It shall be the duty of such person in possession to notify the owner of said lot or other persons having an interest therein, of the serving of such notice of noncompliance.

Such notice of noncompliance shall include a description of the lot, the place where and the reasons for which it is held and shall cite the applicable marketing order or agreement or marketing rules and regulations and the section or sections thereof upon which said notice of noncompliance is based.

Redemption period

The owner of said lot shall have, in the case of a perishable commodity not to exceed 48 hours, and in the case of a nonperishable commodity not to exceed 72 hours from the time of serving such notice of noncompliance for reconditioning or for the correction of the deficiencies noted in said notice of

noncompliance. If such lot is reconditioned or the deficiencies corrected the enforcing officer shall remove said warning tags or markings and release said lot for marketing; or with the consent of the owner of such lot the enforcing officer is hereby authorized to divert said lot to other lawful uses or to destroy such lot.

(p) If the owner of such lot fails or refuses to give such consent, or if the lot has not been reconditioned or the deficiencies otherwise corrected so as to bring said lot into compliance within the time specified in the notice, then the enforcing officer shall proceed as provided hereinafter. The enforcing officer may file a verified petition in any superior or inferior court of this State requesting permission to divert such lot to any other available lawful use or to destroy such lot. Such verified petition shall show the condition of the lot; that the lot is situated within the territorial jurisdiction of the court in which said petition is being filed; that the lot is held, and that the notice of noncompliance has been served as hereinbefore provided; that the lot has not been reconditioned as required; the name and address of the owner and the person in possession of said lot and that the owner has refused permission to divert or to destroy said lot. Upon the filing of such verified petition the court may issue an order to show cause returnable in five (5) days after service upon the owner why the lot shall not be reconditioned or the deficiencies corrected or why the lot shall not be diverted to other lawful uses or destroyed. The owner of said lot may, prior to the date when said order to show cause is returnable, either recondition or correct the deficiencies in said lot so as to bring said lot into compliance or may file at or before the hearing on said order an answer with the court showing why said lot shall not be reconditioned or the deficiencies corrected so as to bring it into compliance or showing why said lot should not be diverted to other lawful uses or destroyed.

Court order

Failure to comply with order

If at the expiration of the said period the owner of said lot has failed or refused to recondition or to correct the deficiencies so as to bring said lot into compliance the court may enter judgment ordering that said lot be reconditioned or diverted to any other lawful uses or destroyed in the manner directed by the court or relabeled, or denatured or otherwise processed, or sold or released upon such conditions as the court in its discretion may impose, except that said lot may not be sold or released into the regular channels of trade.

Sale by court order

In the event of sale of any lot by order of court, the costs of storage, handling and reconditioning or disposal shall be deducted from the proceeds of sale and the balance, if any, paid into court for the account of the owner of any such lot.

Effect of disposal

(q) Disposal of any lot or portion of any lot pursuant to the provisions of this section whether such disposal be by arrangement with an enforcement officer or by court order shall not waive any of the penalty provisions of this chapter.

SEC. 4. Section 1300.28 of said code is amended to read:

1300.28. The suspension, amendment or termination of any marketing order or marketing agreement shall not suspend or terminate any cause of action which has accrued thereunder, but the same shall survive and exist the same as if such marketing order or agreement had not been suspended, amended or terminated. Effect of suspension, etc

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CHAPTER 1454

An act to amend Section 9602 of the Education Code, relating to the education of physically handicapped minors.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.] In effect September 7, 1955

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

SECTION 1. Section 9602 of the Education Code is amended to read:

9602. Any minor who, by reason of a physical impairment, cannot receive the full benefit of ordinary education facilities, shall be considered a physically handicapped individual for the purposes of this chapter. Minors with speech disorders or defects shall be considered as being physically handicapped. Minors with physical illnesses or physical conditions which make school attendance impossible or inadvisable shall be considered as being physically handicapped.

CHAPTER 1455

An act to amend Section 1 of Chapter 142 of the Statutes of 1945, relating to tidelands and submerged lands in the County of San Diego.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.] In effect September 7, 1955

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

SECTION 1. Section 1 of Chapter 142 of the Statutes of 1945 is amended to read:

Section 1. There is hereby granted to the City of San Diego, a municipal corporation of the State of California, and to its successors, all of the right, title and interest of the State of California, held by said State by virtue of its sovereignty, in and to all tidelands and submerged lands whether filled or unfilled in or adjacent to Mission Bay or its entrance, and also all the right, title and interest of the State of California in the following described parcels of land previously granted to the State of California by the Mission Beach Company on January City of San Diego Grant of tidelands, etc

15, 1936, and recorded in Book 580, page 10, on file in the Office of the County Recorder of San Diego County, California:

Parcel A: A parcel of land lying along the shore line on the east line of Mission Beach; beginning at the intersection of the northerly boundary line of San Fernando Place produced easterly and the easterly boundary line of Bayside Walk, as shown on the official map of Mission Beach and filed in the county recorder's office as Map 1809; thence in a southerly direction along the easterly side of Bayside Walk to the northerly line of San Diego Place; thence northeasterly along the northerly line of San Diego Place produced to the intersection of the mean high tide line as shown on the official map approved by the State Board of Harbor Commissioners for the Bay of San Diego, March 4, 1926, and filed in the county recorder's office as Misc. Map 72; thence in a northerly direction along the mean high tide line to a point at the intersection of the mean high tide line with the northerly line of San Fernando Place produced easterly; thence southwesterly along the said northerly line of San Fernando Place produced to the point of beginning.

Parcel B: A parcel of land lying along the shore line on the east side of Mission Beach; beginning at the intersection of the southerly boundary line of Ventura Place produced easterly and the easterly line of Bayside Walk, as shown on the official map of Mission Beach, filed in the county recorder's office as Map 1809; thence in a northerly direction along the easterly boundary line of Bayside Walk to the center line of Verona Court produced easterly; thence in a northeasterly direction along the center line of Verona Court produced easterly to the intersection of the mean high tide line, as shown on the official map approved by the State Board of Harbor Commissioners for the Bay of San Diego, March 4, 1926, and filed in the county recorder's office as Misc. Map 72; thence in a southerly direction along the said mean high tide line to the intersection of the mean high tide line with the southerly boundary line of Ventura Place produced easterly; thence in a southwesterly direction along the southerly boundary line of Ventura Place produced to the point of beginning.

Conditions of trust.

To be forever held by said city, and by its successors, in trust for the uses and purposes and upon the express conditions following, to wit:

Harbors, wharves, etc

(a) That said lands shall be used by said city and by its successors solely for the purpose of establishing, improving and conducting a harbor for small boats and for the construction, maintenance and operation thereon of wharves, structures and appliances necessary or convenient for the protection or accommodation of commerce, navigation and fisheries and for the establishment and maintenance of parks, playgrounds, bathhouses, recreation piers and facilities necessary or convenient for the inhabitants of said city; for educational, com-

mercial, and recreational purposes, including the necessary streets, highways and other facilities convenient thereto; and said city 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 purpose whatsoever; provided, that said city 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, navigation or fisheries.

Improvements, etc

(b) That said harbors and tidelands shall be improved by said city and shall always remain public harbors and public tidelands for all purposes of commerce, navigation and fisheries; and the State of California shall have at all times the right to use without charge all wharves, docks, piers and other improvements constructed on said lands or any part thereof for any vessel or other watercraft or railroad owned or operated by the State of California.

Management, etc

(c) That in the management, conduct or operation of said harbors and tidelands or of any of the utilities, structures or appliances mentioned in paragraphs preceding, 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 city or its successors.

Reservations

(d) There is also reserved to the people of the State of California the absolute right to fish in the waters of Mission Bay with the right of convenient access to such waters under the real property hereby granted for the purpose of fishing. There is also reserved to the State of California all the deposits of mineral, including oil and gas, in the real property hereby granted, and there is reserved to the State of California or persons authorized by the State of California the right to prospect, mine and remove such deposit from the real property granted and to occupy and use so much of the surface as may be required therefor.

(e) 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 right-of-way purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements 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.

CHAPTER 1456

An act to amend Section 28135 of the Government Code, relating to compensation for public service in a county of the thirty-fifth class.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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, five thousand four hundred dollars ($5,400) 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 dollars ($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 justice 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.

CHAPTER 1457

An act to add Sections 2615.5 and 2910.7 to the Revenue and Taxation Code, relating to the payment of property taxes, including tax bills and tax receipts.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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

SECTION 1. Section 2615.5 is added to the Revenue and Taxation Code, to read:

2615.5. Any person who receives a tax bill respecting property which has been assessed to another and who has power, pursuant to written or oral authorization, to pay the taxes on behalf of another shall after the taxes have been paid in full and within 30 days of the receipt of the written request of the assessee, either deposit the original or a copy of the bill in the United States mail in an envelope addressed to the last known address of the assessee as shown on the bill, postage being prepaid, or deliver it otherwise to the assessee within said 30 days.

SEC. 2. Section 2910.7 is added to said code, to read:

2910.7. Any person who receives a tax bill respecting property which has been assessed to another and who has power, pursuant to written or oral authorization, to pay the taxes on behalf of another shall after the taxes have been paid in full and within 30 days of the receipt of the written request of the assessee, either deposit the original or a copy of the bill in the United States mail in an envelope addressed to the last known address of the assessee as shown on the bill, postage being prepaid, or deliver it otherwise to the assessee within said 30 days.

CHAPTER 1458

An act to add Article 3 to Chapter 1 of Division 5 of, to add Section 2104 to, to amend and renumber the article headings of Articles 3, 4, 8, 9, and 10 of Chapter 1 of Division 5 of, to amend Sections 25, 953, 2054, 2111, 2150, 2152, 2156, 2250, 2352, 2400, 2420 and 2420.5 of, to repeal Articles 5 and 7 of Chapter 1 of Division 5 of, and to repeal Sections 2103, 2104, 2110, 2153, 2155, 2421, and 2422 of, the Elections Code, relating to presidential primary election.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.] In effect September 7, 1955

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

SECTION 1. Section 25 of the Elections Code is amended to read:

25. "Presidential primary" is the primary election at which delegations to national party conventions are to be chosen. "Presidential primary"

SEC. 2. Section 953 of said code is amended to read:

953. The presidential primary shall be held on the first Tuesday after the first Monday in June of each year when delegations to national party conventions are to be chosen. Date of presidential primary

SEC. 3. Section 2054 of said code is amended to read:

2054. The certification to the county clerk of the number of delegates shall be in substantially the following form: Form of certification

CERTIFICATE OF SECRETARY OF STATE AS TO NUMBER OF DELEGATES TO EACH PARTY NATIONAL CONVENTION

To the County Clerk of _____ County:

I hereby certify to you that the political parties qualified to participate in the presidential primary to be held in this State on the _____ day of _____, 19___, and the number of delegates to be elected by each political party to represent the State of California in its next national convention is as follows:

Parties	Number of delegates
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Dated at Sacramento, California, this _____ day of March, 19___.

_____

(SEAL) Secretary of State

SEC. 4. The article heading of Article 3 of Chapter 1 of Division 5 of said code is amended and renumbered to read:

Article 4. Nomination Papers

SEC 5. Article 3 is added to Chapter 1 of Division 5 of said code, to read:

Article 3. Selection of Candidates

Nomination committee

2075. Any three or more voters of the State who are registered as intending to affiliate with the same political party may join as a committee in proposing the nomination of a group of candidates for delegates. The committee may elect its officers, select the candidates for delegates, select the chairman of the committee, arrange for the appointment of verification deputies, secure the endorsement of the person preferred by the committee as candidate for presidential nominee, appoint alternates, assemble and file all necessary papers, and take all other action which may be necessary for the organization and election of the group. The committee in performing its functions may act through its officers or designated representatives.

Filing information

2076. The committee, on or before the first day for filing the nomination papers of the group, shall file with the Secretary of State a statement containing the name of the committee and the names of its officers.

Number of candidates for delegates

2077. The number of candidates for delegates grouped on a nomination paper shall be equal to the total number of delegates to be elected by the party.

2078. The names of the grouped candidates shall be so selected that the smallest number of candidates who reside in any one congressional district shall not be less than the integer of the quotient obtained by dividing the number of the names of candidates appearing upon the same nomination paper by the total number of congressional districts of the State, and that the largest number of candidates who reside in any one congressional district shall not be greater than twice that integer; provided, however, that in any county in which are located two or more entire congressional districts the delegates may be selected from the county at large. If the names are not so selected, the names shall not be certified by the county clerk to the Secretary of State. Grouping of candidates

2079. The number of alternates to be selected shall be no greater than one for each delegate, and such alternates shall be selected in the same manner as is provided in Section 2078. Alternates

2080. Each group of candidates for delegates shall have the endorsement of the candidate for presidential nominee for whom the members of the group have filed a preference. The endorsement of the candidate for presidential nominee shall be filed with the Secretary of State before the circulation of any nomination papers of a group of candidates pledged to the support of his candidacy as presidential nominee. Endorsement

2081. Any candidate whose nomination paper is filed in more than one group is disqualified from running as a member of any group. Double filing

2082. Each candidate for delegate to his national party convention shall file with the Secretary of State on or before the first day for circulating the nomination papers of the group of candidates of which he is a member an affidavit which shall state: Affidavit

(a) His residence, with street and number, if any.

(b) His election precinct.

(c) That he is a voter in the precinct in which he resides.

(d) That he is a candidate for office of delegate.

(e) That he will not withdraw as a candidate before the presidential primary.

(f) That he will qualify as a delegate if elected

(g) The following statement: "I personally prefer _____ as nominee of my political party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support _____ as nominee of my party for President of the United States."

The name of a candidate shall not be placed on the ballot unless this affidavit has been properly filed.

2083. The affidavit of a candidate for delegate shall be in substantially the following form: Form

AFFIDAVIT OF CANDIDATE FOR DELEGATE

State of California }
County of _____ } ss.

I, _____, reside at No. _____ Street, in the City (or Town) of _____, in the County of _____ in the _____ Congressional District, State of California; my election precinct is _____ Assembly District and I reside and am a voter therein, my post-office address is _____, County of _____.

I desire to be a candidate, at the presidential primary to be held on the _____ day of _____, 19___, for delegate to the next national convention of the _____ Party, and if elected as delegate I will qualify.

I personally prefer _____ as nominee of my political party for President of the United States, and hereby declare to the voters of my party in the State of California that if elected as delegate to their national party convention, I shall to the best of my judgment and ability, support _____ as nominee of my party for President of the United States.

(Signed)_____

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

_____

(SEAL) Notary Public (or other official)

Repeals

SEC. 6. Sections 2103 and 2104 of said code are repealed.

SEC. 7. Section 2104 is added to said code, to read:

Notification of sufficient signatures

2104. Upon receipt of a sufficient number of signatures for the nomination of a group of candidates, the Secretary of State shall notify the chairman of the committee of that fact and advise him that no more signatures will be received.

Repeal

SEC. 8. Section 2110 of said code is repealed.

SEC. 9. Section 2111 of said code is amended to read:

Form of nomination paper

2111. The nomination paper for a group of candidates shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF GROUP OF CANDIDATES

Section_____ Page_____

County of _____, City or Town of _____ (if any). Nomination paper of group of candidates for election as delegates by _____ Party pledged to the candidacy of _____ as presidential nominee.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the City or Town of _____, County of _____, State of California, and am registered as intending to affiliate with the _____ Party. I hereby nominate the following:

Number	Names	Residence city or town	County
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____

(to such number as may be required.) Etc., as candidates for delegates to the _____ Party national convention, to be voted for at the presidential primary to be held on the _____ day of _____, 19____. I have not signed the nomination paper of any other candidates for the same office, and I further declare that I intend to support for nomination the candidates named herein.

Number	Precinct	Signature	Residence	Date
1	_____	_____	_____	_____
2	_____	_____	_____	_____
3	_____	_____	_____	_____
Etc.	_____	_____	_____	_____

VERIFICATION DEPUTY'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the _____ Party as delegates to represent the State of California in the party's next national convention; that all the signatures on this section of the nomination paper numbered from 1 to ___, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

(Signed) _____
Verification Deputy

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

_____

(SEAL) Notary Public (or other official)

SEC. 10. The article heading of Article 4 of Chapter 1 of Division 5 is amended and renumbered to read:

Article 5. Verification Deputies

SEC. 11. Section 2150 of said code is amended to read:

Appointment of verification deputies

2150. The committee organized to form a group of candidates for delegate, or its duly authorized representatives, may arrange for the appointment of verification deputies to serve within the county in which the deputies reside in securing signatures to the nomination paper of the group of candidates. The verification deputies thus appointed are the duly authorized verification deputies to secure signatures to the nomination paper of the group of candidates in that county. The form on which the verification deputies are appointed shall be filed with the county clerk of the county in which the verification deputies reside, at or before the time the nomination paper of the group of candidates is left with the county clerk for examination. Additional verification deputies may be appointed in the same manner as the original verification deputies were appointed.

SEC. 12. Section 2152 of said code is amended to read:

Form of appointment

2152. The verification deputies may be appointed by the committee, or its duly authorized representatives, on a form which shall be substantially as follows:

APPOINTMENT OF VERIFICATION DEPUTIES BY COMMITTEE, OR ITS DULY AUTHORIZED REPRESENTATIVES

We, the undersigned, members of the _____ committee (or duly authorized representatives of the _____ committee), do hereby appoint the following voters of the County of _____ as verification deputies to obtain signatures, in that county, to nomination papers placing in nomination as a group of candidates for election as delegates to represent the State of California in the next national convention of the _____ Party that group of candidates organized by us (by the committee of which we are duly authorized representatives):

VERIFICATION DEPUTIES

Name	Residence
_____	_____
_____	_____
_____	_____
Etc.	Etc.

COMMITTEE OR ITS DULY AUTHORIZED REPRESENTATIVES

(Signed)

Name	Residence
_____	_____
_____	_____
_____	_____
Etc.	Etc.

Filed in the Office of the County Clerk of _____ County, this _____ day of _____, 19___.

_____ County Clerk

By_____, Deputy

SEC. 13. Sections 2153 and 2155 of said code are repealed. Repeal

SEC. 14. Section 2156 of said code is amended to read:

2156. Verification deputies may obtain signatures to the nomination paper of the group of candidates for whom they were appointed, at any time not more than 90 nor less than 60 days prior to the presidential primary. Time limitation for obtaining signatures

SEC. 15. Article 5 of Chapter 1 of Division 5 of said code is repealed. Repeal

SEC. 16. Section 2250 of said code is amended to read:

2250. Each section of a nomination paper, after being verified, shall be returned by the verification deputy who circulated it to the committee, or to its duly authorized representatives, by whom the verification deputy was appointed. All the sections circulated in any county shall be collected by the committee, or its duly authorized representatives, and shall be by them arranged and left with the county clerk for examination. Sections to be returned after verification; Deposit for examination with county clerk

SEC. 17. Article 7 of Chapter 1 of Division 5 of said code is repealed. Repeal

SEC. 18. The article heading of Article 8 of Chapter 1 of Division 5 of said code is amended and renumbered to read:

Article 7. Certified List of Candidates. Notice of Election

SEC. 19. Section 2352 of said code is amended to read:

2352. The publication of the presidential primary notice shall be made in not more than two newspapers of general circulation published in the county. Publication of notice of primary

SEC. 20. Article 9 of Chapter 1 of Division 5 of said code is amended and renumbered to read:

Article 8. Canvass of Returns. Certificate of Election

SEC. 21. Section 2400 of said code is amended to read:

2400. The Secretary of State shall, not later than the twenty-first day after the election, compile and file in his office a statement of the canvassed returns filed with him by the county clerks. Statement of returns

Votes for each candidate

The compiled statement shall show for each group both the total of the votes received and the votes received in each county, and the names of the candidates comprising that group.

SEC. 22. The article heading of Article 10 of Chapter 1 of Division 5 of said code is amended and renumbered to read:

Article 9. Substitute and Alternate Delegates

SEC. 23. Section 2420 of said code is amended to read:

Meeting to select chairman

2420. The delegates to each national party convention elected at the presidential primary shall, before leaving the State to attend the convention, meet together and select a chairman of the delegation.

SEC. 24. Section 2420.5 of said code is amended to read:

Vacancies

2420.5. In the event a vacancy exists in the office of delegate or alternate, the chairman of the delegation shall designate a person to fill that vacancy.

Repeal

SEC. 25. Sections 2421 and 2422 of said are repealed.

CHAPTER 1459

An act to add Chapter 5.5 to Division 8 of the Elections Code, relating to voting by persons unable to attend their polling place on election day.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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

SECTION 1. Chapter 5.5 is added to Division 8 of the Elections Code, to read:

CHAPTER 5.5. VOTING BY PERSONS UNABLE TO ATTEND THEIR POLLING PLACES ON ELECTION DAY

5970. On election day any voter unable to go to the polls because of illness or disability incurred after the closing date for absentee ballot applications resulting in his hospitalization, confinement in a hospital, sanatorium, or nursing home may request in a writing, signed by him, that the county clerk send him an absentee ballot. The county clerk shall deliver, at the office of the county clerk, such ballot to any authorized representative of the voter possessing a letter on the letterhead of the voter's physician or practitioner stating that the voter is a patient in a hospital, sanatorium, or nursing home, and giving the date of admittance thereto. The voter shall thereupon mark the ballot, enclose it in the envelope, seal the envelope, sign his name across the seal, and return it to the county clerk.

The county clerk shall compare the signature on the envelope with the signature on the voter's affidavit of registration and

if they are the same, shall open the envelope and without unfolding the ballot, remove the number therefrom, destroy the number slip, and deposit the ballot in the ballot box used for absentee ballots.

The procedure authorized by this section shall be subject to all other provisions of this code relating to absent voting, insofar as such other provisions are not inconsistent with the provisions of this section.

CHAPTER 1460

An act to add Section 17065 to the Education Code, relating to authorizing the cancellation of work permits of minors subject to continuation education.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 17065 is added to the Education Code, to read:

17065. All permits to work or to employ and all certificates of age shall be subject to cancellation at any time by the Superintendent of Public Instruction or by the Labor Commissioner or by the person issuing the permits or certificates whenever such officer or person finds that the conditions for the legal issuance of the permits or certificates of age do not exist or did not exist at the time the permit was issued. A permit to work shall be revoked by the issuing authority when he is satisfied that the employment of the minor is impairing the health or education of the minor or that any provision or condition of the permit is being violated.

CHAPTER 1461

An act to add Section 53200.2 to the Government Code, relating to group insurance for officers and employees of local agencies.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 53200.2 is added to the Government Code, to read:

53200.2. For the purposes of this article, school district employees whose salaries are paid through the county school service fund, pursuant to the provisions of Section 13843 of the Education Code, are county employees. The employer's contribution for such employees shall be paid through the county school service fund in the same manner as the salaries of such employees.

CHAPTER 1462

An act to amend Section 1370 of the California Insurance Code, relating to investments of reciprocal insurers.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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

SECTION 1. Section 1370 of the Insurance Code is amended to read:

1370. Every exchange shall maintain its required assets in any one, or more, or all of the following forms:

(a) In cash or deposits in solvent banks;

(b) Invested in securities of the kind designated for the investment of assets of incorporated insurers having a capital stock by the laws of the state where the principal office is located;

(c) Invested in real property acquired by or for it to secure the payment of loans heretofore contracted or for moneys heretofore due, or purchased at sales upon deeds of trust or upon judgments obtained for such loans or debts, or conveyed to it in satisfaction of debts heretofore contracted in the course of its dealings Such real property may be acquired, held and conveyed on behalf of such exchange in trust by the attorney, but shall be sold and disposed of within five years after acquisition of title thereto unless the time for any such sale or disposal is extended by the commissioner in writing.

(d) Excess fund investments may be made in real estate and in making improvements thereon for business or residential purposes as an investment for the production of income. The phrase "business or residential purposes" shall not include real estate primarily intended for use or valued as agricultural, horticultural, farm, ranch or mineral property. Any such investment may be made only by admitted exchanges having admitted assets aggregating in value not less than twenty-five million dollars ($25,000,000). Real esate acquired and improvements made thereon shall not exceed an amount equal to 5 percent of the admitted assets of the exchange. Any investment in a single parcel of real estate including improvements thereon made under the authority of this subsection shall not be made in an amount in excess of 1 percent of the admitted assets of the exchange. Percentage or dollar value of assets as provided herein shall be determined by the exchange's last preceding annual statement of conditions and affairs made as of the December 31st last preceding and which has been filed with the commissioner pursuant to law.

(e) In addition to the investments authorized under the provisions of paragraphs (a) to (d) inclusive of this section, every exchange may purchase, hold, or reconvey real estate for the following purposes:

(1) The building, and the land upon which that building stands, owned by it and in which is located its home office or principal office in this State by virtue of the occupancy thereof, in whole or in part, by its attorney-in-fact. The exchange is hereby authorized to make any type of arrangement which is fair and reasonable for the occupation of such building, in whole or in part, by its attorney.

(2) Real estate requisite for its accommodation in the convenient transaction of its business.

(f) Subject to the limitations established under the provisions of paragraphs (c), (d) and (e) of this section, every exchange in its own name as in the case of an individual, may purchase, receive, own, hold, lease, mortgage, pledge or encumber, by deed of trust or otherwise, manage and sell real estate for the purposes and objects of the exchange.

CHAPTER 1463

An act to repeal Section 9755.1 of the Elections Code, relating to precincts.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.] In effect September 7, 1955

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

SECTION 1. Section 9755.1 of the Elections Code is repealed.

CHAPTER 1464

An act to amend Section 1401 of the Health and Safety Code, relating to hospitals.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.] In effect September 7, 1955

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

SECTION 1. Section 1401 of the Health and Safety Code is amended to read:

1401. As used in this chapter, "hospital" means any institution, place, building, or agency which maintains and operates organized facilities for one or more persons for the diagnosis, care, and treatment of human illness, including convalescence and including care during and after pregnancy, or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or longer. "Hospital" includes sanatorium, nursing home, and maternity home.

CHAPTER 1465

An act to amend Sections 4143 and 4163 of, and to add Sections 4146 and 4166 to, the Business and Professions Code, relating to unlawful possession of hypodermic needles and hypodermic syringes.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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

SECTION 1. Section 4163 of the Business and Professions Code is amended to read:

Unlawful possession of hypodermic needles or syringes

4163. (a) It is unlawful for any person to have in his possession or under his control any hypodermic needle or hypodermic syringe.

Exceptions

(b) The provisions of this section do not apply to persons who have acquired possession and control of a hypodermic needle or hypodermic syringe in accordance with the provisions of this code authorizing and regulating the sale, possession and use of such needles and syringes.

(c) The provisions of this section do not apply to any person who owns or is engaged in the breeding or raising of livestock, poultry, or other animals to which hypodermic injections are customarily given in the interest of health, safety, or good husbandry.

SEC. 2. Section 4166 is added to said code, to read:

False representation

4166. Any person obtaining possession of a hypodermic needle or hypodermic syringe by a false or fraudulent representation or design or by a forged or fictitious name, or contrary to or in violation of any of the provisions of this chapter, is guilty of a misdemeanor.

SEC. 3. Section 4143 of said code is amended to read:

Unlawful possession of hypodermic needles

4143. (a) It is unlawful for any person to have in his possession or under his control any hypodermic needle or hypodermic syringe.

(b) The provisions of this section do not apply to persons who have acquired possession and control of a hypodermic needle or hypodermic syringe in accordance with the provisions of this code authorizing and regulating the sale, possession and use of such needles and syringes.

(c) The provisions of this section do not apply to any person who owns or is engaged in the breeding or raising of livestock, poultry, or other animals to which hypodermic injections are customarily given in the interest of health, safety, or good husbandry.

SEC. 4. Section 4146 is added to said code, to read:

False representation

4146. Any person obtaining possession of a hypodermic needle or hypodermic syringe by a false or fraudulent representation or design or by a forged or fictitious name, or contrary to or in violation of any of the provisions of this chapter, is guilty of a misdemeanor.

SEC. 5. Sections 3 and 4 of this act become operative only if Senate Bill No. 1387 is enacted by the Legislature at its 1955 Regular Session, and in such case at the same time as said Senate Bill No. 1387 takes effect, at which time Section 4163 of the Business and Professions Code, as amended by Section 1 of this act, and Section 4166 of said code, as added by Section 2 of this act, are repealed. Effect Stats 1955, Ch 550

CHAPTER 1466

An act to amend Section 11500 of the Health and Safety Code, relating to importation of narcotics.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955] In effect September 7, 1955

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

SECTION 1. Section 11500 of the Health and Safety Code is amended to read:

11500. Except as otherwise provided in this division, no person shall possess, transport, import into this State, sell, furnish, administer or give away, or offer to transport, import into this State, sell, furnish, administer, or give away, or attempt to import into this State or transport a narcotic except upon the written prescription of a physician, dentist, chiropodist, or veterinarian licensed to practice in this State.

CHAPTER 1467

An act to amend Sections 10176, 10177, 10301, 10302, 10561, and 10562 of the Business and Professions Code, relating to the revocation or suspension of real estate, business opportunity, and mineral, oil and gas licenses.

[Approved by Governor June 29, 1955 Filed with Secretary of State June 30, 1955] In effect September 7, 1955

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

SECTION 1. Section 10176 of the Business and Professions Code is amended to read:

10176. The commissioner may, upon his own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate licensee within this State, and he may temporarily suspend or permanently revoke a real estate license at any time where the licensee, while a real estate licensee, in performing or attempting to perform Real estate license Grounds for suspension, revocation, etc

any of the acts within the scope of this chapter has been guilty of any of the following:

(a) Making any substantial misrepresentation.

(b) Making any false promises of a character likely to influence, persuade or induce.

(c) A continued and flagrant course of misrepresentation or making of false promises through real estate agents or salesmen.

(d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.

(e) Commingling with his own money or property the money or other property of others which is received and held by him.

(f) Claiming, demanding, or receiving a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange real estate for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.

(g) The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or profit under any agreement authorizing or employing such licensee to do any acts for which a license is required under this chapter for compensation or commission prior to or coincident with the signing of an agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.

(h) The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy, or exchange real estate for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.

(i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

SEC. 2. Section 10177 of said code is amended to read:

Same

10177. The commissioner may suspend or revoke the license of any real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following:

(a) Procured, or attempted to procure, a real estate license, for himself or any salesman, by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for a real estate license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal,

irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation or information.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any land or subdivision (as defined in Chapter 1 of Part 2 of this division) offered for sale.

(d) Wilfully disregarded or violated any of the provisions of the Real Estate Law or of Chapter 1 of Part 2 or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2.

(e) Wilfully used the term "realtor" or any trade name or insignia of membership in any real estate organization of which the licensee is not a member.

(f) Acted or conducted himself in a manner which would have warranted the denial of his application for a real estate license.

(g) Demonstrated negligence or incompetence in performing any act for which he is required to hold a license.

(h) If, as a broker licensee, failed to exercise reasonable supervision over the activities of his salesmen.

(i) Failed to pay when due a monetary penalty or forfeiture assessed by the commissioner.

(j) Violated Chapter 8, Title 14, Part 4, Division 3 of the Civil Code, relating to maximum costs and expenses, and charges in connection with loans secured by real property.

(k) Has used his employment by a governmental agency in a capacity giving access to records, other than public records, in such manner as to violate the confidential nature of such records.

SEC. 3. Section 10301 of said code is amended to read:

Business opportunity license. Grounds for suspension, revocation, etc.

10301. The commissioner may, upon his own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a business opportunity licensee, within this State, and he may temporarily suspend or permanently revoke a business opportunity license at any time if the licensee, while a business opportunity licensee, in performing or attempting to perform any of the acts within the scope of this chapter has been guilty of any of the following:

(a) Making any substantial misrepresentation.

(b) Making any false promises of a character likely to influence, persuade or induce.

(c) A continued and flagrant course of misrepresentation or making of false promises through business opportunity agents or salesmen.

(d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.

(e) Commingling with his own money or property the money or property of others which is received and held by him.

(f) Claiming or demanding a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange a business, business opportunity, or interest therein, or the good will on an existing business, for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.

(g) The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or profit under any agreement authorizing or employing such licensee to do any acts for which a license is required under this chapter for compensation or commission prior to or coincident with the signing of an agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.

(h) The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy, or exchange a business, business opportunity, or interest therein, for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.

(i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(j) Obtaining the signature of a prospective purchaser to an agreement which provides that such prospective purchaser shall either transact the purchasing, leasing, renting or exchanging of property through the broker obtaining such signature or pay a compensation to such broker if such property is purchased, leased, rented or exchanged, without the broker first having obtained the written or oral authorization of the owner of the property concerned to offer such property for sale, lease, exchange or rent.

SEC. 4. Section 10302 of said code is amended to read:

Same

10302. The commissioner may suspend or revoke the license of any business opportunity licensee, or may deny the issuance of a license to an applicant, who has done any of the following:

(a) Procured, or attempted to procure, a business opportunity license, for himself or any salesman, by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for business opportunity license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation or information.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any business opportunity offered for sale.

(d) Wilfully disregarded or violated any of the provisions of the Real Estate Law or of Chapter 1 of Part 2 or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2.

(e) Acted or conducted himself in a manner which would have warranted the denial of his application for a business opportunity license.

(f) Wilfully used the term "realtor" or any trade name or insignia of membership in any real estate organization of which the licensee is not a member.

(g) Demonstrated negligence or incompetence in performing any acts for which he is required to hold a license.

(h) If, as a broker licensee, failed to exercise reasonable supervision over the activities of his salesmen.

(i) Failed to pay when due a monetary penalty or forfeiture assessed by the commissioner.

(j) Violated Chapter 8, Title 14, Part 4, Division 3 of the Civil Code, relating to maximum costs and expenses, and charges in connection with loans secured by real property.

(k) Has used his employment by a governmental agency in a capacity giving access to records, other than public records, in such manner as to violate the confidential nature of such records.

SEC. 5. Section 10561 of said code is amended to read:

Mineral, gas or oil licenses Grounds for suspension, revocation, etc

10561. The commissioner may, upon his own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a mineral, oil and gas licensee, within this State, and he may temporarily suspend or permanently revoke a mineral, oil and gas license at any time if the licensee, while a mineral, oil and gas licensee, in performing or attempting to perform any of the acts within the scope of this chapter, has been guilty of any of the following:

(a) Making any substantial misrepresentation.

(b) Making any false promises of a character likely to influence, persuade or induce.

(c) A continued and flagrant course of misrepresentation or making of false promises through mineral, oil and gas brokers or salesmen.

(d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.

(e) Commingling with his own money or property the money or property of others which is received and held by him.

(f) Claiming or demanding a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange mineral, oil or gas property for compensation, or commission where such agreement does not contain a definite, specified date of final and complete termination.

(g) The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission, or profit under any agreement authorizing or employing such licensee to do any acts for which a license is required under this chapter for compensation or commission prior to or coincident with the signing of an agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.

(h) The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy or exchange mineral, oil or gas property for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.

(i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

SEC. 6. Section 10562 of said code is amended to read:

Same

10562. The commissioner may suspend or revoke the license of any mineral, oil and gas licensee, or may deny the issuance of a license to an applicant, who has done any of the following:

(a) Procured, or attempted to procure, a mineral, oil and gas license, for himself or any salesman, by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for a mineral, oil and gas license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a

plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation or information.

(c) Knowingly, authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business or any mineral, oil or gas property offered for sale.

(d) Wilfully disregarded or violated any of the provisions of the Real Estate Law or of Chapter 1 of Part 2 or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2.

(e) Acted or conducted himself in a manner which would have warranted the denial of his application for a mineral, oil and gas license.

(f) Wilfully used the term "realtor" or any trade name or insignia of membership in any real estate organization of which the licensee is not a member.

(g) Demonstrated negligence or incompetence in performing any acts for which he is required to hold a license.

(h) If, as a broker licensee, failed to exercise reasonable supervision over the activities of his salesmen.

(i) Failed to pay when due a monetary penalty or forfeiture assessed by the commissioner.

(j) Violated Chapter 8, Title 14, Part 4, Division 3 of the Civil Code, relating to maximum costs and expenses, and charges in connection with loans secured by real property.

(k) Has used his employment by a governmental agency in a capacity giving access to records, other than public records, in such manner as to violate the confidential nature of such records.

CHAPTER 1468

An act to amend Section 20345 of, and to add Sections 20345.1, 20345.2, 20345.3, and 20345.4 to, the Education Code, relating to tuition fees of state college students.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 20345 of the Education Code is amended to read:

20345. Except as otherwise provided, the total tuition fees charged any student in a state college shall not exceed twenty-five dollars ($25) per year or twelve dollars and fifty cents ($12.50) per semester. Tuition fees

SEC. 2. Section 20345.1 is added to said code, to read:

20345.1. An admission fee and rate of tuition fixed by the Director of Education shall be required of each nonresident student. The rate of tuition to be paid by each nonresi- Nonresident students

dent student shall not be less than one hundred eighty dollars ($180) per year.

SEC. 3. Section 20345.2 is added to said code, to read:

"Nonresident student"

20345.2. "Nonresident student" means any person who has not been a bona fide resident of the State for more than one year immediately preceding the opening day of a semester during which he proposes to attend the state college.

SEC. 4. Section 20345.3 is added to said code, to read:

Determination of residence

20345.3. The residence of each student shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code, except that for the purpose of this section it shall be deemed that the residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian. Every alien student is deemed to be a nonresident student unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States.

Nothing in this section or in Sections 243 and 244 of the Government Code prevents the Director of Education from causing to be classified as a resident student:

(a) Any citizen of the United States, or any alien who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who has attained his majority according to the laws of this State, and who for a period of one year immediately preceding the opening day of a semester during which he proposes to attend a state college has been entirely self-supporting and actually present in the State, with the intention of acquiring a residence therein.

(b) Any minor child, a citizen of the United States, or any alien, who is a minor child, who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who does not receive and has not for a period of more than one year immediately preceding the opening day of a semester during which he proposes to attend a state college received, directly or indirectly, any support or financial assistance from his father, if the minor lives with his mother, who is and has been for a period of more than one year immediately preceding the opening day of the semester actually present in the State with the intention of making her permanent home therein.

SEC. 5. Section 20345.4 is added to said code, to read:

Oaths re residence

20345.4. The Director of Education shall designate a person employed at each state college to administer oaths or affirmations in connection with the taking of testimony relative to any residence status.

CHAPTER 1469

An act to add Section 26886 to the Government Code, relating to salary of county controller.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.] In effect September 7, 1955

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

SECTION 1. Section 26886 is added to the Government Code, to read:

26886. In the event the board of supervisors elects to make the provisions of this chapter operative, it may provide for the payment to the county controller of such compensation as it may deem proper. The board of supervisors may elect to provide such compensation on creation of the office, or at any time thereafter. Such compensation may be increased or reduced by action of the board of supervisors and is in addition to any other compensation provided by law.

CHAPTER 1470

An act to add Article 8 to Chapter 1 of Part 2 of Division 5 and Section 4144.1 to, and to amend Section 4146 of, the Health and Safety Code, relating to garbage disposal districts.

[Approved by Governor June 29, 1955 Filed with Secretary of State June 30, 1955] In effect September 7, 1955

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

SECTION 1. Article 8 is added to Chapter 1 of Part 2 of Division 5 of the Health and Safety Code, to read:

Article 8. Consolidation

4165. At any time after the establishment of two or more districts in any county, the board may determine that any two or more of the districts, whether or not they are contiguous, should be consolidated. Consolidation Determination by board of supervisors

4165.1. The board shall fix a time and place for hearing the matter of consolidation of the districts and shall direct its clerk to publish a notice once a week for two successive weeks in a newspaper or newspapers circulated in each of the districts which it proposes to consolidate, and which the board deems most likely to give notice to the inhabitants of the districts. Time, place, etc., of hearing

4165.2. The notice shall be headed "Notice of the proposed consolidation of _____ Garbage Disposal District and _____ Garbage Disposal District," stating the names of the districts proposed to be consolidated, and shall contain a statement of the time and place fixed by the board for hearing the matter. Notice Form

Contents

4165.3. The notice shall state that it is proposed to consolidate into one district all of the territory within the named districts.

Hearing

4165.4. At the time and place fixed for hearing or at any time to which the hearing may be continued, the board shall hear any person objecting to the consolidation.

Action by board

4165.5. At the conclusion of the hearing the board may refuse to consolidate any of the districts or it may order the consolidation of any or all of the districts proposed to be consolidated.

Resolution of consolidation

4165.6. If the board determines to consolidate any of the districts it shall so declare by resolution stating the name by which the consolidated district shall be known.

Liabilities

4165.7. The district resulting from the consolidation of two or more districts shall become liable for all outstanding liabilities of the districts consolidated.

SEC. 2. Section 4144.1 is added to the Health and Safety Code, to read:

Fixing hearing on exclusion

4144.1. As an alternative to the procedure outlined in Section 4144, the governing board of a garbage disposal district may by resolution entered in its minutes fix a time and place for hearing on the question of the exclusion of any portion of a garbage disposal district which will not be benefited by remaining within the district. The time fixed for said hearing shall not be less than 10 nor more than 30 days after passage of the resolution.

SEC. 3. Section 4146 of the Health and Safety Code is amended to read:

Hearing

4146. Any person interested may appear at the hearing and object to the withdrawal of the portion from the district or may object to the continuance of the remaining territory as a district, and the board of supervisors shall consider all objections and shall pass upon them. If it finds that the portion of the district sought to be withdrawn will not be benefited by remaining in the district and that the territory not sought to be withdrawn will be benefited by continuing as a garbage disposal district, then it shall by resolution declare the district re-established excluding therefrom the territory found not benefited by remaining in the district.

Order

CHAPTER 1471

An act to add Chapter 2.5 to Division 7 of Title 1 of the Government Code, relating to medium of payment.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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

SECTION 1. Chapter 2.5 is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 2.5. MEDIUM OF PAYMENT

Medium of payment

6150. Any officer of a county, city and county or judicial district who is not specifically authorized by statute so to do may be authorized by the board of supervisors of the county, city and county or county within which the judicial district is located to accept negotiable paper in payment for any license, permit, fee or fine or in payment of any other obligation owing to such county, city and county or judicial district. Such authorization may be withdrawn at any time by the board of supervisors and may be given under such conditions as the board of supervisors by resolution shall establish. Any officer so authorized may, at his discretion, accept negotiable paper in payment for any license, permit, fee or fine or in payment of any other obligation owing to such county, city and county or judicial district.

"Negotiable paper"

6151. As used in this chapter, "negotiable paper" means bank checks and drafts and express and post-office money orders.

Effect of acceptance

6152. The acceptance of negotiable paper pursuant to this chapter constitutes payment of any amount owing to a county, city and county or judicial district as of the date of acceptance when, but not before, the negotiable paper is duly paid.

Deposit of negotiable paper

6153. The officer accepting negotiable paper pursuant to this chapter shall deposit such negotiable paper daily in the county treasury, and the county treasurer shall handle such negotiable paper like any other negotiable paper accepted by him.

Procedure upon nonpayment

6154. Any negotiable paper redeemed by or charged back to the county treasurer by reason of nonpayment shall be returned to the officer who deposited it with him. Upon notification from the county treasurer a memorandum charging the officer who made the deposit and crediting the county treasurer shall be issued by the county auditor on the fund into which the original deposit was made.

Cancellation of payment record

6155. If any negotiable paper is not paid on due presentment for any reason, any record of payment made by the officer receiving such paper shall be canceled. Any receipt issued in acknowledgment of such payment shall also be deemed to be canceled. The license fee, permit fee, fine or other obligation shall continue as an outstanding obligation as though no payment had been attempted.

The officer accepting negotiable paper shall make any memoranda necessary to enable him to make proper cancellation on its return without payment. Such officer shall incur no personal liability for the acceptance of negotiable paper pursuant to this chapter which is not paid on due presentment unless such paper is accepted in violation of any condition imposed by the board of supervisors.

Accounting records, notice, etc

6156. When a cancellation is made, the officer making it shall enter it in the accounting records of his office. He shall

immediately send a notice to the person who attempted payment by the negotiable paper of the cancellation of the payment.

Effect on license fee, etc.

The validity of any license fee, permit fee, fee, fine or other obligation shall not be affected by any failure or irregularity in giving this notice.

CHAPTER 1472

An act to add Sections 21308, 21309 and 21310 to the Corporations Code, relating to remedy by injunction for unauthorized use of name or insignia of an association.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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

SECTION 1. Section 21308 is added to the Corporations Code, to read:

21308. Any court of competent jurisdiction may restrain by injunction:

1. The wearing or use of the insignia of any association, unless the person wearing or using the insignia is entitled to wear or use the insignia under the constitution, by-laws or rules of the association.

2. The use of the name of any association in a commercial venture, trade or business or in the solicitation of subscriptions for or advertising in any newspaper or other publication or in the solicitation of donations by any person representing directly or indirectly that such commercial venture, trade or business, newspaper or other publication or donation or solicitation for donation, is sponsored, endorsed or being offered by any association, unless the person so using the name is entitled to use the name under the constitution, by-laws or rules of the association or by the written consent of such association to such use.

SEC. 2. Section 21309 is added to the said code, to read:

21309. In any action under Section 21308 it is not necessary to allege or prove actual damages or the threat thereof, or actual injury or the threat thereof to the plaintiff, but in addition to injunctive relief any plaintiff in any such action is entitled to recover the amount of the actual damages, if any, sustained by such plaintiff.

SEC. 3. Section 21310 is added to said code, to read:

21310. The use of the name or insignia of any association by any person not entitled to use the same under the constitution, by-laws, rules or regulations of the association or by the written consent of such association, is presumptive evidence of the unlawful use of or traffic in such name or insignia.

CHAPTER 1473

An act to amend Sections 2142.5 and 3003 of the Welfare and Institutions Code, relating to the time required by applicants for or recipients of public assistance to pay medical expenses.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 2142.5 of the Welfare and Institutions Code is amended to read:

Administration of aid Old age security

2142.5. Every person administering aid under this chapter shall conduct himself with courtesy, consideration, and respect toward applicants for and recipients of aid under this chapter, and shall endeavor at all times to perform his duties in such manner as to secure for every aged person the maximum amount of aid to which he is entitled, without attempting to elicit any information not necessary to carry out the provisions of this chapter, and without comment or criticism of any fact concerning applicants or recipients not directly related to the administration of this chapter.

The State Department of Social Welfare shall adopt no rule, regulation, or order which would limit to less than 14 months the period of time required by an applicant or recipient to pay for physician services, medical needs and hospitalization.

SEC. 2. Section 3003 of said code is amended to read:

Aid to needy blind

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.

The department shall adopt no rule, regulation, or order which would limit to less than 14 months the period of time required by an applicant or recipient to pay for physician services, medical needs and hospitalization.

CHAPTER 1474

An act to amend Section 3 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617 of the Statutes of 1951), relating to the Contra Costa County Flood Control and Water Conservation District.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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

SECTION 1. Section 3 of the Contra Costa County Flood Control and Water Conservation District Act is amended to read:

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.

Such zones may be established in the manner prescribed in Section 11 of this act, independently of the institution of any project relating to such zone.

Alternately, such zones may be formed concurrently with and as a part of the proceeding for the installation of a project relating to such zones in the manner prescribed in Section 11 of this act.

Before final action is taken to form 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 have the concurrence of such city to the formation of such zone, such concurrence to be evidenced by a resolution or ordinance adopted by a majority of the members of the governing body 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 such zone; 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.

After a watershed zone has been formed and a project or projects adopted therefor, a subzone or subzones may be formed for areas less than the watershed, and a project or projects adopted therefor. Subzones and projects therefor shall be formed in the manner provided in this section and Section 11 of this act. A subzone or zones and projects therefor may be formed and approved concurrently with the formation of the watershed zone. Any subzone so formed shall be entitled with a watershed zone number and a letter of the alphabet.

CHAPTER 1475

An act to amend Section 8202 of the Government Code, relating to notaries public.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.] In effect September 7, 1955

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

SECTION 1. Section 8202 of the Government Code is amended to read:

8202. No county officer, or his deputy, is eligible to or may perform the duties of the office notary public. This section does not apply to district attorneys, county counsels, treasurers, deputy county clerks who do not receive annual salaries, deputy county auditors, public administrators and public defenders.

CHAPTER 1476

An act to amend Section 21166 of the Water Code, relating to irrigation districts.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.] In effect September 7, 1955

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

SECTION 1. Section 21166 of the Water Code is amended to read:

21166. A director for sitting on the board or acting under its orders shall receive not exceeding:

(a) Twenty dollars ($20) per day except in districts containing over 500,000 acres.

(b) Ten cents ($0.10) per mile for each mile actually traveled between his place of residence and the district office.

(c) Actual and necessary expenses when acting under the orders of the board.

(d) In districts producing or distributing electric power, twenty dollars ($20) per day or in lieu thereof a monthly salary of not to exceed four hundred dollars ($400) per month except in districts containing over 500,000 acres.

CHAPTER 1477

An act to amend Section 3287 of the Civil Code, relating to recovery of damages and interest.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.] In effect September 7, 1955

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

SECTION 1. Section 3287 of the Civil Code is amended to read:

3287. Every person who is entitled to recover damages certain, or capable of being made certain by calculation, and the right to recover which is vested in him upon a particular day, is entitled also to recover interest thereon from that day, except during such time as the debtor is prevented by law, or by the act of the creditor from paying the debt. This section is applicable to recovery of damages and interest from any such debtor, including any political subdivision of the State.

CHAPTER 1478

An act to amend Section 257 of the Probate Code, relating to the right of succession.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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

SECTION 1. Section 257 of the Probate Code is amended to read:

257. An adopted child shall be deemed a descendant of one who has adopted him, the same as a natural child, for all purposes of succession by, from or through the adopting parent the same as a natural parent. An adopted child does not succeed to the estate of a natural parent when the relationship between them has been severed by adoption, nor does such natural parent succeed to the estate of such adopted child, nor does such adopted child succeed to the estate of a relative of the natural parent, nor does any relative of the natural parent succeed to the estate of an adopted child.

CHAPTER 1479

An act to amend Sections 9614 and 9806 of the Education Code, relating to credentials for teachers.

In effect September 7, 1955

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

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

SECTION 1. Section 9614 of the Education Code is amended to read:

9614. On and after September 1, 1955, no person shall be employed to teach blind, partially seeing, deaf, hard of hearing, speech handicapped, or orthopedically handicapped minors in a special day or remedial class for such minors who does not hold a valid credential authorizing such teaching. Nothing herein shall be deemed to prohibit the employment, as a substitute teacher of each such special day class for not more than 10

school days in any school year, of a person holding some other valid credential authorizing substitute teaching.

SEC. 2. Section 9806 of said code is amended to read:

9806. No person shall be employed as a teacher of mentally retarded minors who does not hold a valid credential for the education of mentally retarded children. Nothing herein shall be deemed to prohibit the employment, as a substitute teacher of each special training class of mentally retarded children for not more than 10 school days in any school year, of a person holding some other valid credential authorizing substitute teaching.

CHAPTER 1480

An act to add Sections 13113, 13114, and 13114.5 to the Health and Safety Code, relating to fire protection.

[Approved by Governor June 29, 1955. Filed with Secretary of State June 30, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 13113 is added to the Health and Safety Code, to read:

Fire alarm systems, etc., for certain institutions

13113. No person, firm, or corporation shall establish, maintain, or operate any children's home, children's nursery, or institution, or a home or institution for the care of aged and senile persons, or any sanitarium or institution for insane or mentally retarded persons wherein more than six guests or patients are housed or cared for on a 24-hour-per-day basis unless there is installed and maintained in an operable condition in every building or portion thereof where patients or guests are housed a heat-activated fire alarm system or automatic sprinkler system each of a type approved by the State Fire Marshal. The provisions of this section shall apply to all new occupancies on the effective date of this section and shall apply to existing occupancies after January 1, 1957. This section shall not apply to such institutional occupancies where the buildings are of a fire-resistive construction. "Fire-resistive construction," as used in this section, shall mean a building of Type I or Type II construction as designated in the Basic Building Design and Construction Standards of the State Fire Marshal.

SEC. 2. Section 13114 is added to said code, to read:

Rules and regulations

13114. The State Fire Marshal shall adopt necessary rules and regulations for the approval and listing of fire alarm and automatic sprinkler systems substantially consistent with the Standards of Installation, Maintenance and Use of Proprietary, Auxiliary and Local Protective Signaling Systems pub-

lished by the National Fire Protection Association as N. F. P. A. Pamphlet No. 72, June, 1952.

SEC. 3. Section 13114.5 is added to said code, to read:

Local ordinances

13114.5. The governing body of any city or county may enact ordinances or laws imposing restrictions greater than those imposed by Sections 13113 and 13114.

CHAPTER 1481

An act to amend Section 424 of the Education Code, relating to the salary of the county superintendent of schools of counties of the twenty-fourth class.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 424 of the Education Code is amended to read:

Humboldt County Superintendent of Schools Salaries

424. The annual salary of the county superintendent of schools of a county of the twenty-fourth class is ten thousand dollars ($10,000), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

CHAPTER 1482

An act to add Sections 4377, 4378 and 4379 to the Revenue and Taxation Code, relating to the destruction of property tax rolls.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 4377 is added to the Revenue and Taxation Code, to read:

Destruction of delinquent tax rolls

4377. Any delinquent tax roll more than twelve years old and original secured roll on which it is based containing the information set forth in the abstract list may be destroyed by the county officer or officers in possession of the rolls; except that (a) such rolls shall not be destroyed under the authority of this section prior to January 1, 1957, (b) no original secured roll for the year 1912 (Fiscal Year 1912-1913) shall be so destroyed, (c) such destruction shall, in all cases, first be approved by order of the board of supervisors of the county, and (d) the abstract list shall first have been certified as correct and complete by the county auditor.

SEC. 2. Section 4378 is added to said code, to read:

Conclusive presumption

4378. Upon the destruction of the delinquent tax roll and the original secured roll pursuant to Section 4377, any property or interest therein which theretofore became delinquent but does not appear in the abstract list shall conclusively be presumed to have been redeemed and the delinquency satisfied and any tax sale or tax deed to the State canceled, unless there then appears of record in the proper county a tax deed on sale thereof by the State pursuant to this division; provided, however, that such conclusive presumption of payment and redemption prior to sale by the State pursuant to this division shall not apply as against a tax deed issued by the State within one year prior to the destruction of the delinquent tax roll and original secured roll, unless such tax deed shall not have been recorded, in the proper county, within one year after the date of the deed

SEC. 3. Section 4379 is added to said code, to read:

Limitation to right of action after destruction

4379. No proceeding or defense based upon a right or claim under a tax deed issued by the State pursuant to this division upon property or any interest therein not appearing upon the abstract list shall be maintained or asserted after the destruction of the delinquent tax roll and original secured roll pursuant to Section 4377 unless such tax deed was recorded in the proper county at the date of such destruction or within one year after the date of the deed, whichever is later; and, if such proceeding or defense is barred hereby, the only recourse of the grantee in the tax deed, or his successor in interest, shall be to obtain a refund in the manner prescribed in Section 3729 upon claim made within one year after such bar arises.

CHAPTER 1483

An act to amend Section 439 of the Education Code, relating to the county superintendent of schools in a county of the thirty-ninth class.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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 six thousand dollars ($6,000), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 1484

An act to amend Section 3046 of the Penal Code, relating to parole of prisoners.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 3046 of the Penal Code is amended to read:

3046. No prisoner imprisoned under a life sentence may be paroled until he has served at least seven calendar years. The board shall, in considering a parole for such prisoner, consider all statements and recommendations which may have been submitted by the judge, district attorney, and sheriff, pursuant to Section 1203.1, or in response to notices given under Sections 3022 and 3042, and recommendations of other persons interested in the granting or denying of such parole. The board shall enter on its order granting or denying parole to such prisoners, the fact that such statements and recommendations have been considered by the board. Such statements and recommendations shall, however, be and remain confidential.

CHAPTER 1485

An act to amend Sections 73563 and 74223 of the Government Code, relating to compensation for public service.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 73563 of the Government Code is amended to read:

73563. The clerk may appoint:

Municipal court districts deputy clerks Carmel and Monterey

(a) One deputy who shall receive a minimum salary of three hundred twenty-five dollars ($325) monthly with annual increments of seventeen dollars ($17), nineteen dollars ($19), nineteen dollars ($19) and twenty-one dollars ($21) to a maximum of four hundred one dollars ($401) monthly.

(b) Three deputies each of whom shall receive a minimum salary of two hundred seventy-eight dollars ($278) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of three hundred forty-two dollars ($342) monthly.

(c) Four deputies each of whom shall receive a minimum salary of two hundred twenty-six dollars ($226) 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-eight dollars ($278) monthly.

SEC. 2. Section 74223 of said code is amended to read:

74223. The clerk may appoint:

(a) One deputy clerk who shall receive a minimum salary of three hundred twenty-five dollars ($325) monthly with annual increments of seventeen dollars ($17), nineteen dollars ($19), nineteen dollars ($19) and twenty-one dollars ($21) to a maximum of four hundred one dollars ($401) monthly. Salinas

(b) Three deputies each of whom shall receive a minimum salary of two hundred seventy-eight dollars ($278) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), seventeen dollars ($17) and seventeen dollars ($17) to a maximum of three hundred forty-two dollars ($342) monthly.

(c) Four deputies each of whom shall receive a minimum salary of two hundred twenty-six dollars ($226) 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-eight dollars ($278) monthly.

CHAPTER 1486

An act to add Sections 8134, 8161, 8192.5, and Chapter 15 to Part 2 of Division 9 of, and to amend Sections 8101, 8191, and 8194 of, the Streets and Highways Code, relating to separation of grade districts.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.] In effect September 7, 1955

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

SECTION 1. Section 8101 of the Streets and Highways Code is amended to read:

8101. As used in this part:

(a) "Project" means an overpass, underpass, or tunnel, or any combination thereof, at a single crossing, the planning, construction and maintenance of which is authorized by this part. Definitions

(b) "District" means separation of grade district.

(c) "County" means the county in which the district or proposed district is situated.

(d) "Board" means board of supervisors of the county in which the district or proposed district is situated.

(e) "Commission" means the commission provided in Chapter 3 of this part.

SEC. 2. Section 8134 is added to said code, to read:

8134. Each commissioner shall receive ten dollars ($10) for each meeting of the commission attended by him, not exceeding two meetings during any one calendar month, together with expenses necessarily incurred by him in traveling between his Compensation of commissioners

place of residence and the place of meeting, and while traveling in connection with the business of the commission, when previously authorized by the commission.

SEC. 3. Section 8161 is added to said code, to read:

Changes in location of projects

8161. Notwithstanding the provisions of Section 8117, upon the completion of the surveys referred to in Section 8160 and upon recommendation of the engineer or engineers, in which recommendation shall be included the estimate of cost of each proposed improvement, the commission by resolution duly adopted and recorded in its minutes may approve any changes in the location or locations of the projects described by the board of supervisors in its resolution of intention to form the district, as to the commission may appear reasonable and proper under the circumstances. The said resolution shall set forth the reasons for such changes or additions and the cost of each project as recommended in the engineer's report.

SEC. 4. Section 8191 of said code is amended to read:

Contents of election order

8191. The order shall fix the day of the election, shall describe the exact location of each project for which bonds are to be issued, shall specify the amount of the bond issue for each project, and shall state in general terms that the money raised from the sale of the bonds for each project shall be used only for the acquisition of rights of way for and the construction of, the project for which bonds shall have been issued. If the election is called for the payment of a contract entered into by the commission the order shall state the terms of the contract in such manner as will advise the electors of its contents. Any money raised by means of a bond issue which remains on hand after the acquisition of rights of way and construction have been completed, shall be expended in the betterment and maintenance of the project for which the bonds have been voted.

SEC. 5. Section 8192.5 is added to said code, to read:

Separate propositions

8192.5. On the ballot at the election each project shall be submitted as a separate proposition, together with a description of the exact location of the project and a statement of the amount of bonds to be issued for the project.

SEC. 6. Section 8194 of said code is amended to read:

Two-thirds vote

8194. If at the election two-thirds, or more, of the votes cast on a proposition are in favor of the issuance of bonds for the project described in the proposition for which bonds are proposed to be issued, the commission is authorized to and shall issue and sell the bonds as proposed in the order calling the election for such project. If the result of the election is against the issuance of bonds for any or all projects, no other election upon the same project or projects defeated in such election shall be called or held for one year after such election.

SEC. 7. Chapter 15 is added to Part 2 of Division 9 of said code, to read:

CHAPTER 15. ANNEXATION OF TERRITORY ANNEXED TO OR INCLUDED IN A CITY

Annexation of territory annexed to or included in city

8290. Subject to the provisions of Chapter 8 of Part 1, Division 2, Title 5 of the Government Code, the unincorporated territory of a county which was not included within a district at the time of the formation of such district, and which subsequent to the formation of such district is annexed to or otherwise included within a city which is a part of such district, shall immediately upon such annexation to such city be included within the district and shall thereafter become a part of the district to the same extent as such city; except such portion or portions thereof which the city council has determined, in proceedings under this chapter, will not be benefited by inclusion in the district.

Resolution

8291. Prior to the completion of proceedings for the annexation or inclusion of unincorporated territories to or within a city which is a part of a separation of grade district the city council shall adopt a resolution containing the following:

(a) A description of the unincorporated territory involved in the annexation or inclusion proceedings.

(b) A statement that unless excluded by the city council all portions of such unincorporated territory shall upon annexation to or inclusion within the city be included within the district, and naming the district.

(c) A statement of the time and place at which objections to inclusion within the district will be heard, which time shall be not less than 30 days after the adoption of the resolution.

Publication

8292. The resolution shall be published at least once a week for two weeks in a newspaper of general circulation published in the territory proposed to be annexed or included. The first publication shall be made at least 20 days prior to the date of the hearing.

Continuance of hearing

8293. The hearing may be continued from time to time and from place to place for not exceeding a total of 60 days by public declaration thereof, and no other notice of the fact of such continuance need be given.

Hearing

8294. At the hearing, the city council shall hear all relevant and pertinent objections to inclusion of any portion or portions of the territory within the district and may, in its discretion, hear arguments against the objections urged.

Determination by city council

8295. At the hearing, or within 20 days after the adjournment thereof, the city council shall by resolution determine what, if any, portion or portions of the territory should not be included within the district because not benefited by such inclusion.

Notification to secretary of commission

8296. Upon the completion of the annexation or inclusion of the unincorporated territory described in Section 8290 to a city, the clerk of the legislative body of such city shall so notify the secretary of the commission of the district and shall

furnish such secretary with a certified copy of the ordinance or resolution adopted by the legislative body of such city annexing or including said territory to such city and of the resolution determining what portion or portions of the territory should not be included in the district because not benefited by such inclusion.

Filing of statement of boundary change

8297. Upon receipt of the certified copy of the resolution or ordinance, and resolution, referred to in Section 8296, the secretary of the commission of the district shall file a statement of the change of the district boundaries which has resulted from said annexation of unincorporated territory to a city together with a map or plat indicating the boundaries of the district as so changed with the assessor of the county in which the district is located and with the State Board of Equalization pursuant to the provisions of Chapter 8, Part 1, Division 2, Title 5 of the Government Code.

CHAPTER 1487

An act to amend Sections 60600 and 61600 of the Government Code, relating to the purposes and powers of community service districts.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 60600 of the Government Code is amended to read:

Purposes and powers

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.

(i) To supply the inhabitants of the district with water for irrigation. If the sole purpose of the district, as designated in the petition for formation, is to supply the inhabitants of the district with water for irrigation, the taxes levied by such district shall be solely on the land in the district, exclusive of improvements, and the provisions of Part 6 of this division shall be restricted to apply, and shall be applied only, to the assessed value of the land within the district, exclusive of improvements, as the same appears on the equalized assessment rolls of the counties in which the district is situated.

SEC. 2. Section 61600 of said code is amended to read:

Same

61600. 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.

(i) To supply the inhabitants of the district with water for irrigation. If the sole purpose of the district, as designated in the petition for formation, is to supply the inhabitants of the district with water for irrigation, the taxes levied by such district shall be solely on the land in the district, exclusive of improvements, and the provisions of Part 6 of this division shall be restricted to apply, and shall be applied only, to the assessed value of the land within the district, exclusive of improvements, as the same appears on the equalized assessment rolls of the counties in which the district is situated.

Effect Stats 1955, Ch 1746

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 1714 of the 1955 General Session is enacted into law and in such case at the same time as said Senate Bill No. 1714 takes effect; at which time Section 1 of this act is repealed.

CHAPTER 1488

An act to amend Sections 315, 356, 458, 507, 512, 547, and 2109, and to repeal Section 600, of the Streets and Highways Code, relating to state highways.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 315 of the Streets and Highways Code is amended to read:

Route 15 Sutter-Colusa bridge

315. Route 15 is from Route 56 near Fort Bragg to Route 37 near Emigrant Gap via Willits, Calpella, Williams and Colusa.

The bridge across the Sacramento River in the vicinity of the Town of Meridian, Sutter County, and connecting the Counties of Sutter and Colusa, or such portions thereof as are used for highway purposes to the extent provided in this section, is a part of Route 15 and is under the supervision and control of the department for maintenance purposes. The State assumes only that obligation of maintenance of this bridge, or highway portion thereof, imposed upon or assumed by the Counties of Sutter and Colusa under any contract or agreement existing on August 21, 1933, with any railroad company for the joint use or maintenance thereof. At any time in its discretion the department may relinquish any interest of the State in this bridge to the Counties of Sutter and Colusa, and thereupon the supervision and control of this bridge shall revert to and be vested in those counties.

SEC. 2. Section 356 of said code is amended to read:

Route 56

356. Route 56 is from:

(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.

SEC. 3. Section 458 of said code is amended to read:

Route 158

458. Route 158 is from Route 4 near San Fernando to Route 2 in the vicinity of El Toro.

SEC. 4. Section 507 of said code is amended to read:

Route 232

507. Route 232 is from Sacramento to Marysville.

SEC. 5. Section 547 of said code is amended to read:

Route 233

547. Route 233 is from Route 83 near Sierraville to Route 21 near Vinton, via Loyalton.

Repeal

SEC. 6. Section 600 of said code is hereby repealed.

SEC. 7. Section 512 of said code is amended to read:

Route 212

512. Route 212 is from the Nevada-California state line in the southern portion of Pahrump Valley to Route 23, near Freeman.

SEC. 8. Section 2109 of the Streets and Highways Code is amended to read:

2109. State highways shall be maintained, constructed and improved out of the moneys received in the State Highway Fund under Section 2108; provided, the department is not required to maintain any route or portion of a route added after January 1, 1947, until the same has been laid out and constructed as a state highway. Maintenance, etc., state highways

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CHAPTER 1489

An act creating the Santa Cruz County Flood Control and Water Conservation District for the controlling, conservation, diversion, storage and disposition of storm, flood and other waters, prescribing the boundaries, organization, operation, management, financing and other powers and duties of the district.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.] In effect September 7, 1955

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

CHAPTER 1. GENERAL

SECTION 1. This act shall be known and may be cited as the Santa Cruz County Flood Control and Water Conservation District Act.

SEC. 2. A flood control and water conservation district is hereby created, to be called the "Santa Cruz County Flood Control and Water Conservation District," and the boundaries and territory of said district are as follows: "Santa Cruz County Flood Control and Water Conservation District"

All that territory of the County of Santa Cruz lying within the exterior boundaries thereof.

This act shall not affect the organization, powers, or functions of districts governed by any other law which include within their boundaries any of the land in the Santa Cruz County Flood Control and Water Conservation District.

SEC. 3. As used in this act:

"District" means Santa Cruz County Flood Control and Water Conservation District. Definitions

"Board" means the board of directors of the district.

SEC. 4. 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 to that end the district is hereby created to be a body corporate and politic and as such shall have powers herein provided. Objects and purposes

SEC. 5. 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 dis- Liberal construction

trict 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.

Provisions directory

SEC. 6. 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.

Decisions, etc. final

SEC. 7. All decisions and determinations of the board, upon notice and hearing, shall be final and conclusive upon all persons, as to all errors, informalities, omissions and irregularities which might have been avoided, or which might have been remedied during the progress of the proceedings, or which can be remedied as to illegalities not amounting to a want of due process of law.

Legislative declaration

SEC. 8. The area of the district is subject to periodical floods during the rainy seasons precipitated by the water of the Pajaro and other rivers, which rivers are an important potential source of water for domestic, industrial and agricultural uses inside and outside the watersheds. During the dry season, said rivers would be without water if it were not for the foreign waters turned into the rivers. 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 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 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.

Severability

SEC. 9. 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.

Limitation on actions

SEC. 10. Any proceeding wherein the final action of the district in forming any zone is questioned must be brought or the defense raising such question filed within 30 days after such final action. Any proceeding wherein the validity of any bond issue is questioned must be brought or the defense raising the question filed within 30 days after the date of election.

Any proceeding wherein the validity of any resolution of intention or the award of any contract or the levy of any assessment or the issuance of bonds in any assessment proceeding is questioned must be brought or the defense raising such question filed within 30 days after the resolution ordering the acquisitions or improvements as to such resolution of intention, after the award of said contract as to said contract, after the levy of said assessment as to said assessment, and after the issuance of said bonds as to any bonds.

Bonds Conclusive evidence

SEC. 11. All bonds issued in pursuance of the provisions of this act shall by their issuance be conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations in any wise pertaining thereto, had or made under this act.

CHAPTER 2. POWERS

Article 1. General

Powers Generally

SEC. 21. The district shall have perpetual succession and a seal.

SEC. 22. It may sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

Eminent domain

SEC. 23. It may 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.

Same

SEC. 24. 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 herein authorized 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, water district or irrigation or reclamation district, or drainage or water conservation or flood control district.

Right of way

SEC. 25. It may 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, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes; provided, however, that the district in exercising such power, shall pay the cost of removal for alteration of any such structure.

Power to contract

SEC. 26. It may 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.

Indebtedness

SEC. 27. It may incur indebtedness, and issue and refund bonds in the manner herein provided.

Taxes, etc

SEC. 28. It may cause taxes and assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

Availability of water

SEC. 29. It may do any and every lawful act necessary 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.

Storage of water

SEC. 30. It may conserve water by storage in surface reservoirs, divert and transport water for beneficial uses within the district.

Supplying, etc., of water

SEC. 31. It may supply, provide and transport water for recreational purposes within or without the district.

Releasing water

SEC. 32. It may release water from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs and otherwise reduce the waste of water and protect life and property from floods within the district.

Control of flood, etc., waters

SEC. 33. It may 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.

Operation of works, exercise of water rights, etc

SEC. 34. It may 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.

Sale of water

SEC. 35. It may sell water for the benefit of the district or its inhabitants, conserve water for future use and appropriate, acquire and conserve water and water rights for any useful purpose.

Necessary or incidental powers

SEC. 36. It may do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

Surveys, etc

SEC. 37. It may enter upon any land to make surveys and locate necessary works and improvements and the lines of channels, conduits, canals, pipelines, roadways and other rights of way.

Article 2. Property and Works

Acquisition of property

SEC. 41. It may 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 or county.

Vesting legal title

SEC. 42. The legal title to all property acquired 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 herein.

Sale of property

SEC. 43. 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.

Construct, repair, etc., works, etc

SEC. 44. It may construct, purchase, lease or otherwise acquire, construct, complete, add to, extend and repair works, and may purchase, lease, appropriate, or otherwise acquire waters and water rights, useful or necessary to make use of water for any purposes authorized by this act.

Drains, etc

SEC. 45. It may construct, maintain, repair, improve or protect 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 excessive water.

Levees, bulkheads etc

SEC. 46. It may construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, tunnels, drains, lighting systems, railroads, dredges and all other auxiliary, incidental, necessary or convenient work or improvements that may be required to carry out, facilitate, repair, maintain and complete any works.

Costs of relocating or changing county highways

SEC. 47. 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.

SEC. 48. 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.

Cost of removal, reconstruction, etc., of structures

SEC. 49. All costs of removal, reconstruction or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which are required to be moved to a new location, shall be paid from funds available.

Article 3. Federal and State Contracts

Contracts with other governmental entities

SEC. 51. It may 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 for in this act.

Lease of property or rights

SEC. 52. It may lease or rent to or from any of the parties named in Section 51 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

SEC. 53. It may receive and accept any and all contributions in labor, material or money from any of the parties named in Section 51, to be applied to the work or improvement herein provided for.

Contracts under Federal Reclamation Act

SEC. 54. It may 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.

CHAPTER 3. OFFICERS AND EMPLOYEES

Board of directors Members

SEC. 71. 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 district and 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.

Mayor, etc., ex officio member

SEC. 72. If a city or district empowered to produce, store, or distribute water shall be included or formed within a zone, the mayor of such city or president or chairman of said district, or a representative appointed by its legislative body in his place, shall be an ex officio member of the board of directors of the district as to all matters pertaining to said zone.

Compensation

SEC. 73. 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.

Chairman

SEC. 74. 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.

Oaths

SEC. 75. Any member of the board may administer oaths, when necessary in the performance of his official duties.

Clerks, assessors, etc

SEC. 76. The county clerk, county assessor, county tax collector, county auditor, county treasurer, county surveyor, district attorney and purchasing agent, their assistants, deputies, clerks and employees shall be ex officio such officers, assistants, deputies, clerks and employees respectively of the district.

Compensation of clerks, etc

SEC. 77. They shall respectively perform, unless otherwise provided by the 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.

Engineers, attorneys, etc

SEC. 78. It may appoint and employ such engineers, attorneys, assistants and other employees as may be necessary, including, if it deems advisable, a clerk and a superintendent of work, and define their powers and duties, to serve at the pleasure of the board.

Compensation

SEC. 79. It may fix and determine their compensation, and the amount of bond required of each appointee and pay the premium on each such bond, if any.

CHAPTER 4. LEGISLATION

Quorum

SEC. 91. 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 concur therein.

Rules and regulations

SEC. 92. 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, and all police measures necessary for the maintenance, operation, preservation, use and enjoyment of its works and facilities.

Ordinances, resolutions, etc: Adoption, certification, etc

SEC. 93. All ordinances, resolutions and other legislative acts for the district shall be adopted by the board, and certified to, recorded and published in the same manner as are ordinances, resolutions or other legislative acts for the county.

Initiative and referendum

SEC. 94. The electors of the district are hereby permitted to exercise the initiative and referendum powers 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.

Rules and regulations re works

SEC. 95. The board has power to adopt reasonable rules and regulations in conformity with, and to carry out the provisions of this act, over any works acquired, constructed, or improved pursuant to this act and may make and enforce all necessary regulations to protect the public health in the operation and maintenance of the works.

Violations

SEC. 96. The violation of any such rule, regulation or ordinance shall constitute a misdemeanor and be punishable as such.

CHAPTER 5. CONTRACTS

Contracts Interest by board member

SEC. 111. 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. For any violation of this provision, such person shall be guilty of a misdemeanor, and upon conviction thereof shall also forfeit his office.

Construction

SEC. 112. The foregoing provision 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.

When bids necessary

SEC. 113. All contracts for the construction of any unit of work, except as provided in Sections 122 and 128, estimated to cost in excess of five thousand dollars ($5,000) shall be let to the lowest responsible bidder in the manner hereinafter provided.

Materials and supplies

SEC. 114. Materials and supplies for use in any new construction work or improvement, may not be purchased if the cost thereof exceeds five thousand dollars ($5,000), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

Plans, specifications, etc

SEC. 115. The board shall adopt plans, specifications, strain sheets and working details for the work.

Advertisement for bids

SEC. 116. The board shall cause an advertisement for bids for the performance of the work on the purchase of materials to be published at least two consecutive times in a newspaper, of general circulation published in the county, the first of which shall be at least 10 days before the day set for opening bids.

Examination of plans, etc., by bidders

SEC. 117. All bidders shall be afforded opportunity to examine the plans, specifications, strain sheets and working details.

Bids accompanied by check

SEC. 118. All proposals or bids offered shall be accompanied by a cashier's or certified check payable to the district, for an amount which shall not be less than ten percent (10%) of the aggregate of the proposal, or by a bond for that amount and so payable, signed by the bidder and two sureties, who shall justify, in double that amount, before any officer competent to administer an oath, and over and above all statutory exemptions, or by a corporate surety bond, to the satisfaction and approval of the district.

Award of contract

SEC. 119. The board shall award the contract to the lowest responsible bidder, and the person to whom the contract is awarded shall perform the work in accordance with the plans, specifications, strain sheets and working details, unless the contract is modified by a four-fifths vote of the board.

Execution of bond

SEC. 120. The person to whom the contract is awarded shall execute a bond to be approved by the board for the faithful performance of the contract.

Rejection of bids

SEC. 121. If the board is advised by its engineer, or by the county surveyor or engineer, that any facility can be con-

structed or repaired for a sum less than the lowest responsible bid, it may reject all bids and order the work done by day's work under the supervision and direction of the county surveyor or engineer or its engineer as determined by the board.

Emergency

SEC. 122. By the unanimous consent of the whole board in cases of great emergency, it may proceed at once to replace or repair any and all structures without adopting the plans, specifications, strain sheets or working details or giving notice for bids to let contract The work may be done by day labor under the direction of the board, by contract, or by a combination of the two. If the work is done wholly or in part by contract, the contractor shall be paid the actual cost of material and labor expended by him in doing the work, plus not more than 15 percent to cover all profits, supervision, use of machinery and tools, and other expenses. No more than the lowest current market prices shall be paid for materials.

Change in plans, etc

SEC. 123. The plans and specifications adopted by the board for the erection, alteration, construction or repair of any public building or other public structure shall not be altered or changed in any manner which increases its cost, except by a vote of two-thirds of the members of the board.

Contractor's consent to change

SEC. 124. Whenever the board enters into a contract for the erection, construction, alteration or repair of any public building or other structure, the contract shall not be altered or changed in any manner, except by order adopted by a vote of two-thirds of the board, and the consent of the contractor

Change in contract

SEC. 125. If any change or alteration of the contract is ordered, it shall be specified in writing and the cost agreed upon between the board and the contractor. If the cost so agreed upon

(a) Does not exceed the amount specified in Section 113, or

(b) Does not exceed 10 percent of the original contract price,

the board may authorize the contractor to proceed with the change or alteration without the formality of obtaining bids therefor.

No change or alteration shall be authorized the amount of which is within the limitation specified in subdivision (b) and in excess of the limitation specified in subdivision (a) except by four-fifths vote of the board.

Adjustment where modification

SEC. 126. If the cost of the works is reduced by reason of any modification of the contract an adjustment shall be made with the district therefor.

Purchase of personal property

SEC. 127. Personal property may be purchased in the manner provided therefor for the county.

Applicability of chapter

SEC. 128. The provisions of this chapter do not apply to work to be performed by others pursuant to Article 3 of Chapter 2.

CHAPTER 6. FISCAL MATTERS

Article 1. Funds, Claims and Warrants

Separate funds and accounts

SEC. 151. The board shall establish and maintain such separate funds and accounts as are necessary to carry out the separate purposes of this act, and may establish such additional separate funds as it shall from time to time determine.

Administration of revolving funds

SEC. 152. It may 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 may abolish same.

Transfers for loans

SEC. 153. It shall make such transfers, for purposes of a loan or permanently, from one fund to another of the district as to its funds or from one fund to another of a zone as to said zone, as it shall determine, and the limitations provided in the budget laws shall not apply.

Presentation, etc of claims

SEC. 154. 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.

Warrants

SEC. 155. Warrants in payment of claims or salaries or other obligations shall be issued and registered as provided for counties.

Article 2. Water Rates and Charges

Rates

SEC. 171. The board may prescribe, revise and collect rates or other charges for the services, facilities and water furnished by it.

Fixing charges

SEC. 172. So far as possible the board shall fix such charges for commodities or service furnished by any revenue producing works as will pay all of the expenses of the government of the district, or such portion as the board determines justly apportionable to such works. The expenses to be paid include:

Items to be considered

(a) Salaries, office expenses, and other necessary disbursements;

(b) The operating expenses of the works;

(c) The interest on any indebtedness incurred for the acquisition, construction and completion of the works;

(d) Provisions for a sinking or other appropriate fund for the payment of the principal of such debt as it becomes due;

(e) Provisions for an appropriate fund for repairs, replacements and betterments.

It is the intention of this section that a district pay all of such charges and expenditures and the interest and principal of its debt from the revenues derived by the district from the operation of its public works, and that each public works owned and operated by a district shall be self-sustaining.

Collection of charges

SEC. 173. It may provide that charges for any of its services or facilities shall be collected together with and not separately from the charges for other revenues or facilities rendered by it, or may contract that they be collected by any other private or public utility, and that all charges shall be billed upon the same bill and collected as one item.

Discontinuance of service

SEC. 174. It may provide that if all or part of a bill is not paid, the district may discontinue any or all services or facilities for which the bill is rendered.

Enforcement of charges

SEC. 175. It may provide for the collection of charges. Remedies for their collection and enforcement are cumulative and may be pursued alternatively or consecutively as the district determines.

Penalties

SEC. 176. It may provide for a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition may provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty. It may provide for collection of the penalties herein provided for.

Use of revenues

SEC. 177. All revenues received from the collection of the rates and charges as fixed shall be used as follows:

(a) 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 maintenance and operating expenses of works and facilities and administrative costs of the district; and

(d) Pay additions and extensions of works owned or operated by the district.

Use of revenues as security on bonds

SEC. 178. It may pledge, place a charge upon, contribute or otherwise make available, as security or additional security for the payment of any revenue bonds issued by the district or other obligations incurred by it, any and all revenues received or receivable from any services or facilities, furnished by it.

Article 3. District Taxes

Taxes

SEC. 191. The district taxes and other taxes herein provided shall be levied and collected on all taxable property within the district and at the same time and in the same manner as and together with and not separately from county taxes, and be subject to the same penalties and provisions for redemption or sale, and each shall be in addition to all other taxes herein provided.

Levy

SEC. 192. The board, in any year, shall have the power to levy a tax upon the taxable property in said district, which shall be separate from and in addition to other taxes herein provided.

Limitation

SEC. 193. The district tax shall not exceed the sum of two cents ($0.02) on each one hundred dollars ($100) of the assessed valuation of all taxable property within the district, measured by the county assessment roll last equalized prior to the levying of said tax.

Use of tax money

SEC. 194. Said money shall be used 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.

Anticipated delinquencies

SEC. 195. There may be included in any district tax a sum sufficient, in the judgment of the board, to take care of anticipated delinquencies in the punctual payment of said tax.

Agreement re compensation

SEC. 196. The amount of compensation to be charged by and paid to the county for the performance of service, as in this chapter provided, for and on behalf of such district, shall be fixed by agreement by the board of supervisors of the county, not to 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.

Article 4. Zone Taxes

Zone taxes Rate

SEC. 211. Each year, at the time the board fixes and levies taxes for district purposes, it shall also fix and levy the rate of zone tax for said year in each zone.

Amount

SEC. 212. The zone rate shall be such as will produce the amount required to meet the expenditures incident to the project or works of improvement for which the zone is established and the cost of the maintenance thereof or both, and any moneys owing the district or county, during the current fiscal year.

Limitation

SEC. 213. The zone tax in any one fiscal year shall not exceed an aggregate of twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation of taxable real property for any and all zone projects or works of improvement unless the excess is authorized at an election as provided in this act.

Use

SEC. 214. All funds collected by reason of any zone tax shall be expended only on behalf of the zone and only for the purpose for which the zone was formed as set forth in the notice of hearing on the proposal to establish the zone.

Article 5. Special Zone Taxes

Additional zone tax

SEC. 231. Whenever the board determines that it is in the best interest of a zone to undertake a project or works of improvement which will require a rate of zone tax in excess of twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation of taxable real property it may submit the proposition to the electors within the zone.

Resolution calling election

SEC. 232. The board shall, by resolution, call an election for the purpose of proposing the question to the voters of the zone as to whether or not the tax in excess of twenty-five cents ($0.25) for each one hundred dollars ($100) of assessed valuation of taxable real property shall be proposed within the zone, prescribing the notice, time, place and manner of conducting the election in conformity, as nearly as practicable, with the provisions of the Elections Code governing county elections.

Notice of time, etc., of election

SEC. 233. Notice of the time, place and purpose of the election shall be given by publication once a week for at least two weeks in a newspaper of general circulation published within the district and circulated in the zone.

Use of special tax moneys

SEC. 234. The moneys collected from a special tax shall be used for the purposes and objects incident to the call for each tax. After said purposes and objects have been accomplished, any balance shall be transferred to the general zone fund.

Article 6. Zone Bond Taxes

Zone bond taxes When no tax necessary

SEC. 251. When the requirements for interest, principal and any sinking fund for any fiscal year on bonds issued for any zone can be met out of surplus or other funds of such zone, no tax need be levied for said year.

Where year's revenue insufficient

SEC. 252. If in any year any zone shall have no revenue or if the revenues thereof are, in the judgment of the board, inadequate to provide moneys therefor, the board shall annually levy and collect a tax sufficient to:

(a) Pay the interest on the bonds of any zone that have been issued or authorized;

(b) Pay such part of the principal as will fall due within the succeeding year; and

(c) Meet any sinking fund requirements.

Bonds and levies in more than one zone

SEC. 253. When bonds have been authorized or issued in more than one zone, and the proposition therefor provides for percentages of the levies in the several zones, the levies shall be in conformity thereto.

Bond interest and redemption fund

SEC. 254. A bond interest and redemption or sinking fund shall be created for each bond issue. Into this fund shall be deposited all moneys collected from revenues therefor and all moneys derived from taxes levied to meet the deficiencies in such revenues for bond purposes.

Use of fund

SEC. 255. The moneys deposited in the redemption fund and any accruals thereon and the proceeds of taxes levied therefor shall be used exclusively to pay the principal and interest of the bonds and for any premiums provided for the calling of same.

Balance in fund after repayment of bonds

SEC. 256. When all bonds and interest coupons of any bond issue have been fully paid, any balance in the redemption fund created therefor shall be transferred to the general fund or other fund of the zone designated by the board.

CHAPTER 7. ZONES

Article 1. Formation

Works of improvement

SEC. 301. The board may establish zones within the district to undertake any project or works of improvement. As used herein, "works of improvement" includes, without limitation as to the generality thereof, maintenance, repair, or reconstruction of existing works.

Proceedings for zone establishment

SEC. 302. Proceedings for the establishment of a zone may be instituted by the board, by resolution, on its own initiative and shall be instituted by the board upon receipt of a petition requesting the formation of a zone and signed by not less than 10 percent of the registered electors in the proposed area thereof.

Petition

SEC. 303. The petition may consist of any number of separate instruments, each of which must comply with all of the requirements of a petition except as to number of signatures.

Same: Contents

SEC. 304. A petition requesting the formation of a zone for the institution of a project of works of improvement shall:

(a) Request the board to institute proceedings to establish the zone;

(b) Describe the boundaries of the territory which is proposed for inclusion in the zone;

(c) State the specific project or works of improvement for which the zone is to be created.

Boundaries

SEC. 305. Before a petition is circulated, the proposed boundaries of the zone shall be submitted to the county boundary commission for recommendation and report as provided in Chapter 3, Title 6, of the Government Code.

Engineer's report

SEC. 306. Prior to the hearing on the proposal to establish any zone, the board shall direct the chief engineer of the district to make and file a report with the board which shall show:

(a) A general description of the project or works of improvement for which the zone is to be created;

(b) A general description of any lands, rights of way, easements and property to be taken, acquired or injured in carrying out such work;

(c) An estimate of the cost of the project or works, including an estimate of the cost of any lands, rights of way, easements and property proposed to be taken, acquired or injured in carrying out said work, and also of all incidental expenses and of all operating, maintenance and other costs which may be incurred in connection therewith.

Consideration of report

SEC. 307. The report shall be considered by the board which may either accept the report as filed or refer it back to the chief engineer of the district for consideration of such modification or change as the board deems necessary in the best interests of the district.

Resolution Contents

SEC. 308. After receiving a satisfactory engineer's report on the proposal to establish a zone, the board shall adopt a resolution of intention to establish a zone, which resolution shall contain the following:

(a) A statement that a zone is proposed to be established under the terms of this act and describing the boundaries of the territory proposed for inclusion in the zone;

(b) A statement as to the name proposed for the zone in substantially the following form: "Santa Cruz County Flood Control and Water Conservation District, Zone No._____";

(c) A description of the project or works of improvement for which the zone is to be created and an estimate of the rate of tax which must be levied to secure funds for the project or works of improvement and for the maintenance thereof, which will be levied annually upon all taxable real property within the zone;

(d) A statement of the estimated cost of the proposed project or works of improvement;

(e) A statement as to the place where the engineer's report may be examined; and

(f) A statement of the time and place for a public hearing at which the board will consider the establishing of a zone, which hearing shall be not less than 30 days nor more than 60 days after the adoption of the resolution.

Publication

SEC. 309. The clerk of the board of supervisors shall publish a copy of the resolution twice, the first of which shall be at least 20 days prior to the date of the hearing, in a newspaper of general circulation published in the county and circulated in the zone. Copies of the resolution shall also be posted in not less than three public places in the zone at least 10 days before the date of the hearing.

Hearing

SEC. 310. At the hearing the board shall hear testimony of all interested persons for or against the establishment of the zone, the inclusion therein of any lands that would not be benefited or the failure to include any lands which would be benefited, and the undertaking of the project of works of improvement.

Written protests

SEC. 311. The board shall also receive any written protests by any interested person concerning the establishment of the zone which are filed with the clerk of the board at or before the time fixed for hearing.

Withdrawal of protests

SEC. 312. Written protests may be withdrawn at any time before the hearing is concluded.

Subject matter of protests

SEC. 313. Written requests for the inclusion and exclusion of territory or the change and modification of the works of improvement may be received and considered.

Continuance of hearing

SEC. 314. The hearing may be continued from time to time for a period not to exceed 60 days.

Action by board

SEC 315. At the conclusion of the hearing the board shall consider all testimony and protests presented to it concerning the establishment of the zone, and may, if it determines it to be in the best interests of the district, establish the zone.

Resolution

SEC. 316. If the board determines to establish the zone, it shall, by resolution, so declare and fix the boundaries and designate the projects or works of improvements to be performed therein.

Land excluded

SEC. 317. No land which will not be benefited shall be included in any zone and the board may make such modifications as are necessary

Initiation by petition

SEC. 318. No zone initiated by petition shall be created,

(a) For any project or works of improvement not included in the petition or modification thereof, or

(b) Which includes lands not within the boundaries proposed in the petition or any modification thereof.

Protest by property owners

SEC. 319. If at any time before the establishment of a zone there is a written protest filed with the clerk by the owners of real property in excess of 50 percent of the assessed valuation of such property within the zone as shown by the last equalized assessment roll of the county, the proceedings shall be forthwith abandoned and the board shall not, for a period of six months from the filing of the written protest, initiate any proceedings to establish a zone for the same project or works of improvement as that proposed.

Consent to inclusion

SEC. 320. No city or district empowered to produce, store or distribute water shall be included within a zone without its written consent by resolution adopted by its legislative body unless its electors have consented at an election called by the legislative body of the city or district at which the proposition therefor is submitted.

Referendum

SEC. 321. A referendum may be had within a zone on the formation thereof within the time and in the manner provided for the formation of county sanitation districts.

Article 2. Modification of Works

Modification of works

SEC. 331. The scope of the works and improvements of a zone, as provided in the petition for its formation and as finally determined by the board, may be modified, increased and enlarged.

Report re modifications

SEC. 332. An engineering report shall be prepared as to the modifications proposed, and their effect on the original report.

Hearing

SEC. 333. The hearing on said report shall be had on notice published once at least ten (10) days before, and the determination of the board made at the time of said hearing.

Use of bond proceeds

SEC. 334. When any bonds have been authorized or issued for the purpose of any report, the proceeds of the bonds may be used for the purposes of any modification thereof made pursuant to this article.

Article 3. Inclusion of Territory

Inclusion of territory

SEC. 351. Territory may be annexed to or included in any zone in the manner herein provided for the formation of a zone.

SEC. 352. Territory may also be annexed to or included in any zone in the manner provided for the inclusion of territory in a county water district, except that said area shall be annexed upon the adoption of the resolution so declaring and no certificate or ordinance shall be used.

Liabilities and benefits

SEC. 353. When the territory has been annexed it shall thereupon become a part of the zone and shall be subject to all of the liabilities and entitled to all of the benefits of the zone.

Article 4. Exclusion of Territory

Exclusion of territory

SEC. 371. Territory may be excluded from any zone in the manner provided for the exclusion of territory from a county water district, except that said area shall be excluded upon the adoption of the resolution so determining and no certificate or ordinance shall be used.

Effect of exclusion

SEC. 372. From and after the adoption of the resolution declaring the area excluded, it shall no longer be a part of the zone and shall not be further subject to its liabilities or entitled to its benefits.

Article 5. Consolidation of Zones

Consolidation of zones

SEC. 391. Two or more zones may be consolidated in the manner provided for the formation of a zone, except that reference in said proceedings shall be had to consolidation rather than to formation.

SEC. 392. Two or more zones may also be consolidated in the manner provided for the consolidation of county water districts, except that no report from or approval by the State Engineer shall be required, said consolidation shall be complete upon the adoption of the resolution so declaring and no ordinance or certificate shall be used.

Effect of resolution

SEC. 393. From and after the adoption of the resolution declaring the zones consolidated, they shall be one zone and all shall be subject to the liabilities and entitled to the benefits of each.

Article 6. Dissolution of Zones

Dissolution of zones Applicable laws

SEC. 411 The provisions of Article 1, Chapter 4, Part 8, Division 12 of the Water Code for the dissolution of county water districts, as now or hereafter amended, shall apply to and be used in the dissolution of zones.

Resolution

SEC. 412. The zone shall be dissolved upon the adoption of the resolution so declaring following the canvass of the vote, and no ordinance or certificate shall be used or filed.

Title to assets

SEC. 413. The title to the assets of the zone shall be and remain in the district.

Sale of assets

SEC. 414. If the assets are not further needed for any district purposes, they may be sold and the proceeds applied in payment of zone liabilities.

Receipts in excess of liabilities

SEC. 415. If the receipts from the sale of the assets of the zone are more than sufficient to pay its indebtedness, the remaining amount shall be paid into the general fund of the district.

Receipts less than liabilities

SEC. 416. If an insufficient amount is secured from the sale of the assets to pay the indebtedness, the board shall from time to time cause taxes to be levied on the property in the zone liable to taxation for the indebtedness and collected in a sufficient amount to pay the balance of the indebtedness as it matures.

CHAPTER 8. ZONE BONDS

Article 1. General Obligation Bonds

Determination of amount necessary

SEC. 431. The board must estimate and determine the amount of money necessary to be raised within one or more zones to construct or purchase necessary works and acquire the necessary property and rights therefor and otherwise carry out the provisions of this act, and may determine that a different percentage of the cost be raised in each zone.

SEC. 432. 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.

Survey examinations, etc

SEC. 433. 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.

Factors in determining amount

SEC. 434. In determining the amount of bonds to be issued, the board may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the enterprise; and

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of the bonds, bond reserve funds and working capital and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

Resolution

SEC. 435. 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

Order

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.

Special election

SEC. 436. 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 a proposition to the qualified voters of said zone or zones.

Proposition on incurring bonded indebtedness

SEC. 437. The proposition shall be whether the zone or zones 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, and for any other purpose set forth in this act, and shall state the percentage of the cost to be raised in each zone if more than one.

Form

SEC. 438. Propositions for incurring indebtedness may be united and be submitted as a single proposition or separate propositions may be submitted for each separate purpose.

Contents

SEC. 439. 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 six percent (6%) 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.

Election precincts

SEC. 440. For the purpose of said election, the board shall, in its resolution, establish election precincts within the boundaries of the zone or zones, 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 one inspector, one judge and two clerks for each such precinct.

Laws governing election

SEC. 441. 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 for county elections.

Eligible voters

SEC. 442. At such election all persons whose names appear on the last great register of the county as residing within the zone or zones shall be entitled to vote.

Publication of resolution

SEC. 443. Such resolution calling such election shall be published once a week for two weeks in some newspaper published in such district and circulated in the zone or zones. No further notice of such election need be given.

Validity of bonds

SEC. 444. Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds

Two-thirds vote

SEC. 445. If at such election two-thirds (⅔) of the votes are cast in each zone in favor of the incurring of such bonded indebtedness, then the bonds of said district or zone or zones, for the amounts stated in such proceeding, shall be issued and sold as provided in this act.

Form of bonds and interest rate

SEC. 446. The board shall prescribe by resolution the form of the bonds and of the interest coupons attached thereto and shall fix the maximum rate of interest said bonds shall bear.

Maturity, etc

SEC. 447. 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.

Place of payment

SEC. 448. 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.

Callable bonds Redemption

SEC. 449. Callable bonds may be redeemed in such amounts and manner and at such prices as the board may prescribe by resolution and designate in the bonds.

Denominations

SEC. 450. 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).

Date of payment

SEC. 451. 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 semi-annually or as the board shall determine.

Division into series

SEC. 452. 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, separate and distinct from the time or times of payment of bonds of any other division or series of the same issue.

Necessary signatures

SEC. 453. The bonds shall be signed by the chairman of the board which may be by his printed, lithographed or engraved signature, and countersigned by the treasurer of the district, and the seal of said district shall be affixed thereto.

Interest coupons

SEC. 454. The interest coupons of the bonds shall be numbered consecutively and signed by the treasurer of said district by his printed, engraved or lithographed signature.

Validity of signatures

SEC. 455. 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.

Sale of bonds

SEC. 456. The district may sell 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 in the district.

Rejection of bids

SEC. 457. If no bids are received or if the board determines that the bids received are not satisfactory as to price or otherwise, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

Registration of bonds

SEC. 458. 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 surplus funds

SEC. 459. Whenever the district shall have any moneys in any fund which money is not immediately required, 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 or as provided by law. The interest therefrom shall be deposited in the fund from which the investment was made.

Purchase of district bonds

SEC. 460. 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 fund may from time to time be sold and the proceeds temporarily reinvested in bonds as above provided.

Cancellation of bonds

SEC. 461. Sale of any bonds so purchased and held in any fund shall, from time to time, be made so that the proceeds may be applied to the purpose for which the 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.

Conclusive evidence re validity, etc

SEC. 462. 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.

Source of repayment

SEC. 463. The bonds and the interest thereon shall be paid from the revenue or from an annual tax upon the taxable real property within the zone or zones in which they are issued, and all such taxable property within such zone or zones shall be and remain liable to be taxed for such payments as herein provided.

Investment status of bonds

SEC. 464. 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.

Same

SEC. 465. 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.

Bonds as security

SEC. 466. 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 of the deposit of any

public moneys, the said bonds issued under this act may be so used.

Deposit of proceeds

SEC. 467. All proceeds received from the sale of the bonds hereunder shall be deposited with the county treasurer in a special construction fund and be paid out by him only upon authority of the board and by proper warrant.

Use of excess proceeds

SEC. 468. 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 zone or zones were created as in this act provided.

Deposit with trustee, etc

SEC. 469. Notwithstanding any other provisions of this act the board may, in a resolution relating to the issuance of revenue bonds, designate a trustee, fiscal agent, paying agent or depositary to receive the proceeds of sale of said revenue bonds or all or a part of any revenues received or to be received by the district from any enterprise or from any services or facilities furnished or to be furnished, all as set forth in such resolution.

Article 2. Refunding Bonds

Refunding bond

SEC. 491. The bonds of any issue may be refunded.

Applicable laws

SEC. 492. The provisions of Article 3, Chapter 4, Division 4 of the Government Code, as now or as hereafter provided, for the refunding of bonds by cities, shall apply in the refunding of zone bonds.

Article 3. Validating Suit

Validating suit

SEC. 511. An action in rem 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, to determine the validity of any of the bonds.

Summons

SEC. 512. 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.

Publication

SEC. 513. The 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 the county, such paper to be designated by the court.

Jurisdiction

SEC. 514. Jurisdiction shall be complete within 10 days after the full publication of such summons in the manner

Contesting validity

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.

Action given precedence in hearing

SEC. 515. 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.

Issues before court

SEC. 516. 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.

Pleading and practice rules

SEC. 517. 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.

Appeal

SEC. 518. 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.

Article 4. Revenue Bonds

Revenue bonds

SEC. 531. The district may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6, Part 1, Division 2, Title 5 of the Government Code to provide funds for the acquisition, construction, improving or financing any one or more revenue producing enterprises for any one or more of the purposes for which the district has been formed.

"Enterprise"

SEC. 532. "Enterprise" as used in the section above means a revenue producing system, plant, works, or undertaking used for or useful in carrying out any one or more of the purposes of the district.

Powers re revenue bonds

SEC. 533. In connection with the authorization, issue and sale of revenue bonds pursuant to this article and so long as any of these bonds remain outstanding, the district may exercise, in addition to the powers covered by this act, any or all of the powers of local agencies provided for in said chapter.

Article 5. Assessments and Bonds

Works for supplying, etc., water

SEC. 551. 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.

Assessment

Applicable laws

SEC. 552. For the purpose of carrying out the powers granted in Section 551, the Improvement Act of 1911, the Improvement Bond Act of 1915, the Municipal Improvement Act of 1913 and the Street Opening Act of 1903, as now or hereafter provided, shall apply.

Definitions

SEC. 553. In the application of the assessment acts referred to herein, the terms used in those acts shall have the following meanings:

(a) "City" refers to the district.

(b) "City council" or "legislative body" refers to the board.

(c) "Mayor" refers to the chairman of the board.

(d) "Clerk" refers to the secretary of the board.

(e) "Council chambers" refers to the place designated by the board for holding its regular meetings.

(f) "Treasurer" refers to the treasurer of the district.

(g) "Auditor" refers to the auditor of the district.

(h) "Tax collector" means the tax collector of the district.

(i) "Superintendent of Streets" or "street superintendent" and "city engineer" refer to the engineer of the district.

(j) "Right of way" refers to any parcel of land to which a right of way has been granted to the district.

(k) All words relating to municipal officers and matters refer to the corresponding officers of the district.

Officer to perform duties of street superintendent, etc

SEC. 554. 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 assessment law.

Engineer of work

SEC. 555. 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 assessment law shall be performed by the engineer of work whose compensation and expenses shall constitute an incidental expense in the cost of the work.

Recording assessment

SEC. 556. 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 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.

CHAPTER 9. MEMBER UNITS

"Member unit"

SEC. 571. "Member unit" means any city, or any public or municipal corporation or district, or political subdivision or agency of the State empowered by law to appropriate and to deliver water, the territory of which lies entirely within the exterior boundaries of the county but is not included in a zone.

Contracts with district

SEC. 572. A member unit may enter into a contract with the district for:

(a) 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 costs of acquisition, construction and financing of any works by or on behalf of the district; or for

(b) The underwriting in whole or in part of any or all of such costs; or for

(c) 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 for

(d) The underwriting in whole or in part of such cost; and for

(e) The payment in whole or in part for water furnished or sold to such member unit by the district or the State of California or the United States.

Powers re member units

SEC. 573. The district shall have the power, 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.

Power to appropriate or acquire water

SEC. 574. The district shall have the power to appropriate water or to acquire water rights in which, to whatever extent, and for whatever purposes any member unit or any agency of the State of California or of the United States of America shall have agreed to in writing that the district shall acquire.

Liability of member units

SEC. 575. 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 acquisition and construction and the costs of operation and maintenance of works acquired or constructed by or on behalf of the district or member unit which such member unit agrees to bear.

Set forth in written contract

SEC. 576. 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.

Contents of contract

SEC. 577. Each such contract may provide among other things:

(a) The total capital obligation which the member unit agrees to bear;

(b) The minimum annual payments which the member unit shall make in amortization of its capital obligation;

(c) The quantity or pro rata portion of water which shall be delivered to or held in storage for the member unit;

(d) The basis of allocation of operation and maintenance costs to be borne by the member unit; and

(e) 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.

Fair and equitable contract

SEC. 578. 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.

Reduction in principal of debt

SEC. 579. 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.

Reduction in interest rate

SEC. 580. 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

SEC. 581. Any member unit may reduce its obligation 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 virtue 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 water

SEC. 582. 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

SEC. 583. 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.

Disposition of proceeds of sale of capital asset

SEC. 584. 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 such contract may be provided, in the proportion that the amount contributed by each such member unit to the cost of such capital asset is to the total cost of such capital asset.

Extinguishment of liability by use of proceeds

SEC. 585. 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 sale or other disposal of property, 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.

Contracts with U. S. for repayment of works or payment of water supply

SEC. 586. 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 vote of the members of the board, 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 at a rate not to exceed twenty-five cents ($0.25) on the one hundred dollars ($100) assessed valuation of taxable real property in the zone or zones for which it is made, 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.

Same Resolution

SEC. 587. Upon the adoption of such resolution, the board 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

SEC. 588. 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 zone or zones involved shall be entitled to vote.

Notice

SEC. 589. 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.

Ballot form

SEC. 590. 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 majority of the votes cast at such election shall be necessary to authorize the execution of the contract and/or issuance of the bonds.

Payments

SEC. 591. 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 zone taxes, unless otherwise provided by the contract, and the balance, if any, of such payments shall be paid from revenue derived from annual taxes upon all taxable property within the zone or zones involved and the taxable property shall be and remain liable to be taxed for the payments.

Deposit of moneys

SEC. 592. 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 for such contract and be used for payments due to the United States under the contract.

Delinquency in payments

SEC. 593. 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 that 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.

Special ad valorem taxes

SEC. 594. 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 it.

Rate

SEC. 595. Such tax shall be levied only at a rate sufficient to raise an amount equal to the amount delinquent.

Levy and collection

SEC. 596. 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.

Property liable

SEC. 597. 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.

CHAPTER 1490

An act to amend Section 1463 of the Penal Code, relating to disposition of fines and forfeitures.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1463 of the Penal Code is amended to read:

1463. Except as otherwise specifically provided by law:

Disposition of fines and forfeitures

(1) All fines and forfeitures including Vehicle Code fines and forfeitures collected upon conviction or upon the forfeiture of bail, together with moneys deposited as bail, in any municipal court or justice court, shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated. The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the proper funds of the county an amount equal to the fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by the State or by the county in which such court is situated, exclusive of fines or forfeitures or forfeitures of bail collected from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within the limits of a city within the county.

(b) Once a month there shall be transferred into the traffic safety fund of each city in the county an amount equal to 50 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within that city, and an amount equal to the remaining 50 percent shall be transferred to the special road fund of the county.

(c) Once a month there shall be transferred into the general fund of the county an amount equal to that percentage of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by each city in the county which is set forth in the following schedule:

County and City	Percentage	County and City	Percentage
Alameda		Livermore	7
Alameda	18	Oakland	22
Albany	29	Piedmont	44
Berkeley	19	Pleasanton	17
Emeryville	13	San Leandro	9
Hayward	10	County percentage	21

County and City	Percentage
Amador	
Amador	75
Ione	29
Jackson	22
Plymouth	75
Sutter Creek	75
County percentage	29
Butte	
Biggs	75
Chico	22
Gridley	49
Oroville	9
County percentage	20
Calaveras	
Angels	62
County percentage	62
Colusa	
Colusa	13
Williams	17
County percentage	16
Contra Costa	
Antioch	11
Brentwood	35
Concord	18
El Cerrito	19
Hercules	14
Martinez	22
Pinole	22
Pittsburg	5
Richmond	14
San Pablo	12
Walnut Creek	24
County percentage	14
Del Norte	
Crescent City	19
County percentage	19
El Dorado	
Placerville	14
County percentage	14
Fresno	
Clovis	23
Coalinga	21
Firebaugh	16
Fowler	34
Fresno	26
Huron	24
Kerman	14
Kingsburg	34
Mendota	11
Orange Cove	24
Parlier	21
Reedley	30
Sanger	29
San Joaquin	15
Selma	14
County percentage	24
Glenn	
Orland	27
Willows	36
County percentage	32
Humboldt	
Arcata	9
Blue Lake	26
Eureka	11
Ferndale	30
Fortuna	17
Trinidad	11
County percentage	11
Imperial	
Brawley	8
Calexico	10
Calipatria	30
El Centro	5
Holtville	16
Imperial	6
Westmorland	12
County percentage	8
Inyo	
Bishop	25
County percentage	25
Kern	
Bakersfield	10
Delano	13
Maricopa	36
Shafter	15
Taft	19
Tehachapi	12
Wasco	28
County percentage	12
Kings	
Corcoran	31
Hanford	21
Lemoore	25
County percentage	25
Lake	
Lakeport	33
County percentage	33
Lassen	
Susanville	21
County percentage	21

County and City	Percentage
Los Angeles	
Alhambra	13
Arcadia	15
Avalon	54
Azusa	21
Bell	11
Beverly Hills	14
Burbank	14
Claremont	5
Compton	16
Covina	38
Culver City	10
El Monte	15
El Segundo	11
Gardena	22
Glendale	16
Glendora	12
Hawthorne	7
Hermosa Beach	14
Huntington Park	12
Inglewood	16
LaVerne	14
Long Beach	14
Los Angeles	8
Lynwood	9
Manhattan Beach	13
Maywood	15
Monrovia	15
Montebello	11
Monterey Park	21
Palos Verdes Estates	10
Pasadena	9
Pomona	12
Redondo Beach	15
San Fernando	17
San Gabriel	16
San Marino	5
Santa Monica	11
Sierra Madre	39
Signal Hill	24
South Gate	13
South Pasadena	9
Torrance	16
Vernon	25
West Covina	14
Whittier	31
County percentage	11
Madera	
Chowchilla	17
Madera	16
County percentage	17

County and City	Percentage
Marin	
Belvedere	16
Corte Madera	12
Fairfax	58
Larkspur	62
Mill Valley	13
Ross	18
San Anselmo	11
San Rafael	13
Sausalito	21
County percentage	16
Mendocino	
Fort Bragg	19
Point Arena	40
Ukiah	10
Willits	24
County percentage	17
Merced	
Atwater	23
Dos Palos	21
Gustine	23
Livingston	14
Los Banos	13
Merced	18
County percentage	18
Modoc	
Alturas	42
County percentage	42
Monterey	
Carmel	17
Gonzales	10
Greenfield	13
King City	36
Monterey	13
Pacific Grove	22
Salinas	36
Soledad	16
County percentage	23
Napa	
Calistoga	37
Napa	11
St. Helena	12
County percentage	14
Nevada	
Grass Valley	7
Nevada City	17
County percentage	9
Orange	
Anaheim	14
Brea	9
Buena Park	15

County and City	Percentage
Fullerton	20
Huntington Beach	20
Laguna Beach	21
La Habra	13
Newport Beach	13
Orange	26
Placentia	12
San Clemente	9
Santa Ana	17
Seal Beach	18
Tustin	8
County percentage	15
Placer	
Auburn	18
Colfax	8
Lincoln	26
Rocklin	16
Roseville	10
County percentage	14
Plumas	
Portola	19
County percentage	19
Riverside	
Banning	35
Beaumont	15
Blythe	9
Coachella	12
Corona	12
Elsinore	10
Hemet	35
Indio	16
Palm Springs	66
Perris	14
Riverside	16
San Jacinto	41
County percentage	17
Sacramento	
Folsom	31
Galt	25
Isleton	13
North Sacramento	10
Sacramento	21
County percentage	26
San Benito	
Hollister	9
San Juan Bautista	28
County percentage	11
San Bernardino	
Barstow	23
Chino	14
Colton	21
Fontana	15
Needles	33
Ontario	10
Redlands	28
Rialto	15
San Bernardino	15
Upland	14
County percentage	15
San Diego	
Carlsbad	8
Chula Vista	23
Coronado	25
El Cajon	17
Escondido	16
La Mesa	23
National City	14
Oceanside	15
San Diego	6
County percentage	8
San Joaquin	
Lodi	18
Manteca	8
Ripon	11
Stockton	14
Tracy	15
County percentage	14
San Luis Obispo	
Arroyo Grande	9
Paso Robles	26
Pismo Beach	8
San Luis Obispo	21
County percentage	16
San Mateo	
Atherton	27
Belmont	7
Burlingame	38
Colma	40
Daly City	24
Hillsborough	75
Menlo Park	12
Millbrae	16
Redwood City	27
San Bruno	13
San Carlos	8
San Mateo	42
South San Francisco	12
County percentage	21
Santa Barbara	
Guadalupe	28
Lompoc	16
Santa Barbara	11

County and City	Percentage
Santa Maria	12
County percentage	13
Santa Clara	
Alviso	75
Campbell	16
Gilroy	28
Los Altos	16
Los Gatos	30
Morgan Hill	11
Mountain View	13
Palo Alto	21
San Jose	13
Santa Clara	16
Sunnyvale	26
County percentage	16
Santa Cruz	
Capitola	21
Santa Cruz	23
Watsonville	21
County percentage	22
Shasta	
Redding	22
County percentage	22
Sierra	
Loyalton	75
County percentage	75
Siskiyou	
Dorris	18
Dunsmuir	29
Etna	18
Fort Jones	46
Montague	75
Mount Shasta	37
Tulelake	33
Yreka	30
County percentage	29
Solano	
Benicia	17
Dixon	28
Fairfield	31
Rio Vista	19
Suisun	7
Vacaville	15
Vallejo	18
County percentage	19
Sonoma	
Cloverdale	37
Healdsburg	33
Petaluma	24
Santa Rosa	14
Sebastopol	28
Sonoma	28
County percentage	19
Stanislaus	
Ceres	14
Modesto	15
Newman	10
Oakdale	15
Patterson	20
Riverbank	18
Turlock	19
County percentage	15
Sutter	
Live Oak	17
Yuba City	17
County percentage	17
Tehama	
Corning	26
Red Bluff	39
Tehama	10
County percentage	31
Tulare	
Dinuba	21
Exeter	23
Lindsay	24
Porterville	26
Tulare	20
Visalia	17
Woodlake	15
County percentage	21
Tuolumne	
Sonora	23
County percentage	23
Ventura	
Fillmore	11
Ojai	34
Oxnard	26
Port Hueneme	20
Santa Paula	22
Ventura	9
County percentage	16
Yolo	
Davis	22
Winters	19
Woodland	20
County percentage	20
Yuba	
Marysville	15
Wheatland	38
County percentage	15

Same

In any county for which a county percentage is set forth in the above schedule and which contains a city which is not listed or which is hereafter created, there shall be transferred to the county general fund the county percentage. In any county for which no county percentage is set forth, and in which a city is hereafter created, there shall be transferred to the county general fund 15 percent.

Deposits with court

(d) Once a month there shall be transferred to each city in the county an amount equal to the total sum remaining after the transfers provided for in subparagraph (c) above have been made of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by such city.

Unclaimed Deposits

(2) Any money deposited with such court or with the clerk thereof which, by order of the court or for any other reason, should be returned in whole or in part to any person, or which is by law payable to the State or to any other public agency, shall be paid to such person or to the State or to such other public agency by warrant of the county auditor, which shall be drawn upon the requisition of the clerk of such court

All money deposited as bail which has not been claimed within one year after the final disposition of the case in which such money was deposited, or within one year after an order made by the court for the return or delivery of such money to any person, shall be apportioned between the city and the county and paid or transferred in the manner hereinabove provided for the apportionment and payment of fines and forfeitures. This paragraph shall control over any conflicting provisions of law.

CHAPTER 1491

An act to amend Section 19100 of the Health and Safety Code, relating to buildings exempted from earthquake protection laws.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 19100 of the Health and Safety Code is amended to read:

19100. This chapter does not apply to any of the following buildings:

(a) Any building not intended primarily for occupancy by human beings and located entirely outside the limits of a city or city and county.

(b) Any building designed and constructed for use exclusively as a dwelling by not more than two families and located entirely outside the limits of a city or city and county.

(c) Any building designed and constructed primarily for use in housing poultry, livestock, hay, grain, or farm machinery and supplies, and located wholly or in part within the limits of a city or city and county.

(d) Any building under construction on and prior to May 26, 1933.

(e) Any building in an unincorporated area and used for human habitation and of wood frame construction and not more than two stories in height, in which the span between bearing walls does not exceed twenty-four feet (24'), no room in which contains an area of more than one thousand square feet (1,000 sq. ft.), and which is located in a labor camp as defined in Section 2410 of the Labor Code.

CHAPTER 1492

An act to amend Section 28126 of the Government Code, relating to compensation for public service in counties of the twenty-sixth class.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.] In effect September 7, 1955

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

SECTION 1. Section 28126 of the Government Code is amended to read:

28126. In a county of the twenty-sixth 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: Butte County officers' Salaries

(a) The auditor, six thousand six hundred dollars ($6,600) a year.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year.

(c) Each supervisor, four thousand eight hundred dollars ($4,800) a year for all services performed by him as supervisor, member of the board of equalization, or in any other capacity, and shall receive mileage at the rate of six cents ($0.06) for each mile actually traveled within the county in the performance of his official duties, or in going to or from any meeting of said board when traveling by automobile, not to exceed twenty-five dollars ($25) for any one month, and all actual and necessary traveling expenses when traveling on county business outside the county.

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 traveled in attending court as such jurors, in going only.

CHAPTER 1493

An act to amend Sections 2315, 2321 and 2322 of the Business and Professions Code, relating to the healing arts.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 2315 of the Business and Professions Code is amended to read:

2315. The certificate, upon which his application is based, shall have been issued to him within a period of five years immediately preceding the filing of his application at the office of the board in the City of Sacramento.

SEC. 2. Section 2321 of the Business and Professions Code is amended to read:

2321. An applicant for a reciprocity certificate, whose application is based on a certificate issued by a medical licensing authority of another state, five or more years prior to the date of the filing of his application with the board, shall be required to take an oral examination to be given in accordance with the provisions of Sections 2323 and 2324, if the board finds that he has met all the requirements of this article from which he is not expressly excepted.

SEC. 3. Section 2322 of the Business and Professions Code is amended to read:

2322. An applicant, for a reciprocity certificate, whose application is based on a certificate that has been issued five or more years prior to the date his application is filed with the board, shall comply with all the provisions of this article except the provisions of Sections 2315 and 2320.

CHAPTER 1494

An act to amend Sections 25450.4, 25450.5, and 25457.4 of the Government Code, relating to contracts for construction, alteration and repair of buildings.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 25450.4 of the Government Code is amended to read:

Construction in excess of $4,500

25450.4. In counties containing a population of 500,000 or over, the work referred to in Section 25450 need not be done by contract if the estimated cost thereof is less than four thousand five hundred dollars ($4,500), exclusive of the estimated cost of materials or supplies to be furnished pursuant to Section 25457.

SEC. 2. Section 25450.5 of said code is amended to read:

25450.5. In any county containing a population of 500,000 or over, it is unlawful to split or separate into smaller work orders or projects any public work project for the purpose of evading the provisions of this article requiring public work to be done by contract after competitive bidding. Every person who wilfully violates the provisions of this section is guilty of a misdemeanor. Splitting work prohibited

SEC. 3. Section 25457.4 of said code is amended to read:

25457.4. In counties containing a population of 500,000 or over and employing a purchasing agent, furnishings, materials and supplies to be used in the construction or repair of any of the works mentioned in Section 25450 and estimated as costing not more than three thousand five hundred dollars ($3,500) may be purchased by the purchasing agent in accordance with Article 7 of this chapter without the formality of obtaining bids, letting contracts, preparing specifications, or the other things required by this article, and the estimated cost thereof shall not be considered or included in the estimate of the cost of construction for the purposes of Sections 25450 and 25450.4. Purchases by purchasing agents

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CHAPTER 1495

An act to amend Section 3352 of the Labor Code, relating to persons excluded from workmen's compensation.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.] In effect September 7, 1955

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

SECTION 1. Section 3352 of the Labor Code is amended to read:

3352. "Employee" excludes:

(a) Any person whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer.

(b) Any person employed in farm, dairy, agricultural, viticultural or horticultural labor, or in stock or poultry raising where the compensation provisions of this division are rejected, or do not apply, in accordance with Chapter 9 of this part.

(c) Any person engaged in vending, selling, offering for sale, or delivering directly to the public, any newspaper, magazine, or periodical where the title thereto has passed to the person so engaged.

(d) Any person performing services in return for aid or sustenance only, received from any religious, charitable or relief organization.

(e) Any person holding an appointment as deputy clerk, deputy sheriff, or deputy constable appointed for his own con-

venience, and who receives no compensation from the county or municipal corporation or from the citizens thereof for his services as such deputy. This exclusion is operative only as to employment by the county or municipal corporation and does not deprive any person so deputized from recourse against a private person employing him for injury occurring in the course of and arising out of such employment.

(f) Any convict whose labor is used by the State Highway Commission on state highways or roads.

(g) Any person engaged in household domestic service except as provided in Section 3358.5.

(h) Any person performing voluntary services at or for a recreational camp, hut or lodge operated by a nonprofit organization, exempt from federal income tax under Section 101 (6) of the Internal Revenue Code, of which he or a member of his family is a member and who receives no compensation for such services other than meals, lodging or transportation.

(i) Any person engaged as a part-time gardener in connection with a private dwelling; provided, the number of hours devoted to such work for any individual does not regularly exceed 44 hours per month. This exclusion is operative only as to his employment by the owner or occupant of such a private dwelling, and does not deprive any such part-time gardener from recourse under this division against any other person employing him for injuries occurring in the course of and arising out of the employment.

(j) Any person performing voluntary service as a ski patrolman who receives no compensation for such services other than the use of ski-tow or ski-lift facilities.

CHAPTER 1496

An act to add Section 6222 to the Public Resources Code, relating to public lands.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 6222 is added to the Public Resources Code, to read:

6222. No county, city, district, political subdivision, agency or officer of the State shall request or make application to have any lands owned or controlled by the United States withdrawn or reserved from settlement, location, sale, entry or other forms of disposal under federal law until 30 days after written notice of such proposed application or request has been filed with the State Lands Commission.

CHAPTER 1497

An act to amend Sections 5403 and 5404 of, and to add Section 5416.1 to, the Public Resources Code, relating to recreation park and parkway district.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 5403 of the Public Resources Code is amended to read:

5403. The governing body of any city or county may determine that the city or portion thereof, or a portion of the unincorporated area of the county, respectively, is in need of parks, recreation grounds, and parkway planting and that it should be formed into a district. Determination to form district

The governing body may also determine whether a tax ceiling may be provided for such district, and if so provided, that the tax ceiling may be changed from time to time by a majority of the voters at an election called upon petition of 5 percent of the qualified electors, but such tax ceiling shall not at any time exceed twenty-five cents ($0.25) per one hundred dollars ($100) of assessed valuation of the taxable property in the district. The tax ceiling shall apply only to taxes other than taxes for the payment of principal and interest of bonds of the district, and shall not limit in any way the power and duty of the governing body to levy a tax pursuant to Section 5417.14, nor shall such ceiling be applicable to taxes levied by the governing body pursuant to Section 5416.1 to defray the cost of capital acquisitions and improvements. Tax ceiling

SEC. 2. Section 5404 of said code is amended to read:

5404. Proceedings to form consolidated districts, which include both incorporated and unincorporated areas of a given county, may be created by the joint resolution of the governing bodies of the incorporated and unincorporated areas. Consolidated districts

The governing body of a consolidated recreation, park and parkway district is a board of directors of not less than five members. One member of the board of directors shall be appointed by the mayor of each city the whole or part of which is included in the district.

If unincorporated territory and territory of but one city is included in the district, three members of the board of directors shall be appointed by the board of supervisors of the county in which the district is formed and two members shall be appointed by the mayor of the city; unless the population of the city or part in the district exceeds that of the unincorporated territory included in the district, in which event three members of the board of directors appointed by the mayor of the city and two members appointed by the board of supervisors of the county in which the district is formed shall constitute the district board of directors.

Whenever unincorporated territory and all or parts of two or more cities are included in the district one director shall be appointed by the board of supervisors.

If the district contains no unincorporated territory, the district board of directors shall consist of two directors appointed by the mayor of each city wholly or partly within the district; and if only two cities or parts thereof are in the district, one additional district board member shall be appointed by the mayor of each of the cities.

The directors first appointed as members of the governing body of a consolidated district shall determine by lot the three of them that shall serve for a term of four years and the two that shall serve for a term of two years. Such first directors shall serve for the two or four year term, as the case may be, or until their successors are appointed and qualified; and all appointments subsequent to such first appointments shall be for four-year terms.

If the whole of the district is unincorporated territory, the board of supervisors of the county in which the district is formed shall constitute the district board of directors.

Notwithstanding the foregoing provisions of this section, whenever any incorporated area is included within a district, the governing body of such incorporated area may designate the board of supervisors of the county as the district board of directors, and where so designated by the governing bodies of all incorporated areas included in the district, the board of supervisors shall constitute the district board of directors.

SEC. 3. Section 5416.1 is added to said code, to read:

Petition for election on capital acquisition, etc., tax

5416.1. Upon receipt of a petition signed by 5 percent or more of the qualified electors so requesting, the governing body shall call an election on the question of whether a capital acquisition and improvement tax may be levied in the district. The petition may provide that the capital acquisition and improvement tax shall not in any year exceed a maximum rate, which maximum rate specified in the petition shall not in any event be greater than twenty-five cents ($0.25) per one hundred dollars ($100) of assessed valuation of the taxable property in the district. In addition, the petition may provide that the acquisition and improvement tax may be levied for a specified number of years. The election shall be called and conducted in the same manner as nearly as practicable, as an election for formation of the district. If at the election, a majority of those voting approve the proposition, in addition to all other taxes for district purposes, the governing body of a district may levy a tax each year upon the taxable property in the district to pay the cost of capital acquisitions and improvements, which capital acquisitions and improvements include, but are not limited to, the acquisition, construction, or improvement of land, improvements, buildings, or recreational facilities. No taxes levied for the purpose of this section shall in any one year exceed the rate specified in the petition, and in no event shall the rate exceed twenty-five cents ($0.25) per

Majority vote

Tax limit

one hundred dollars ($100) of assessed valuation of the taxable property in the district, and if the number of years for which the tax may be levied is specified in the petition, such taxes may be levied only during such specified number of years. All taxes levied pursuant to this section shall be levied and collected at the same time and in the same manner as general county taxes levied for general county purposes, and when collected shall be paid into the treasury of the district to be used to pay the costs of capital acquisitions and improvements and for no other purpose.

Tax levy and collection

CHAPTER 1498

An act to amend Section 170 of the Vehicle Code, relating to special license plates.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 170 of the Vehicle Code is amended to read:

170. Issuance of Special Plates to Amateur Radio Station Licensees. Any person holding an unexpired amateur radio station license, other than a novice station license, issued by the Federal Communications Commission may, at the time he makes application for an original or a renewal registration of a vehicle required to be registered, also apply for special license plates, to be affixed to the vehicle for which registration is sought, on which, in lieu of the numbers otherwise prescribed by law, shall be inscribed the official amateur radio station call letters of such applicant as assigned by the Federal Communications Commission.

The director shall provide for the issuance of the special license plates specified in this section upon the applicant's showing of satisfactory proof that he is the holder of such an unexpired license, and may, in addition to the regular annual registration fee, charge an annual fee not exceeding three dollars ($3) for each set of plates so issued.

The department shall make such rules and regulations as necessary to ascertain compliance with all state license and registration laws relating to use and operation of a motor vehicle before issuing such plates in lieu of the regular license plates, and all applications for such plates shall be made to the department. The department shall not issue more than one set of special plates for any licensed amateur radio station.

The department shall, on or before the first day of August of each year, furnish to the sheriff of each county and the chief of police of each incorporated city in the State an alpha-

betically arranged list of the names, addresses and license plate letters of each person to whom license plates are issued under the provisions of this section, and it shall be the duty of said sheriffs and chiefs of police to maintain and keep current such lists for public information and inquiry, particularly in relation to public emergencies.

CHAPTER 1499

An act to amend Section 4538 of the Elections Code, relating to election campaigns.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 4538 of the Elections Code is amended to read:

4538. Every committee shall appoint a treasurer, who shall receive and disburse all moneys contributed for campaign purposes, and keep a true account thereof, and shall, in the same manner and on the same type of forms as required of candidates, file an itemized statement of all money received or disbursed by him as such treasurer. The county clerk upon request shall furnish such treasurer with the necessary forms for submitting the statement required of him by this section.

CHAPTER 1500

An act to amend Section 1760.7 of the Welfare and Institutions Code, relating to juvenile halls and other detention facilities.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 1760.7 of the Welfare and Institutions Code is amended to read:

1760.7. The director shall investigate, examine, and make reports upon adult and juvenile probation.

The director may establish standards for the performance of probation duties, and upon request consult with and make investigations and recommendations to probation officers, probation committees and to judges of the superior courts, including such judges as are designated juvenile court judges of any county.

The director may also, upon request, establish standards for the operation and maintenance of juvenile halls and joint detention homes established pursuant to Articles 5 and 5a of

Chapter 2 of Part 1 of Division 2 of this code, and for the training and qualifications of personnel who are to serve in such halls or homes. He may, upon request, consult with, make investigations for, and recommendations to probation officers, probation committees, and to judges of the superior courts, including such judges as are designated juvenile court judges of any county, to aid them in the operation and maintenance of their juvenile halls or joint detention homes.

CHAPTER 1501

An act to amend Sections 763 and 784 of the Code of Civil Procedure, relating to partition of real and personal property.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 763 of the Code of Civil Procedure is amended to read:

763. If it appears by the evidence, whether alleged in the complaint or not, that the property or any part of it is so situated that partition cannot be made without great prejudice to the owners, or where property is subject to a life estate and the remainder is a contingent remainder, the court may and in the latter case must order the sale thereof; otherwise, upon the requisite proofs being made it must order a partition according to the respective rights of the parties as ascertained by the court, and appoint three referees therefor, and must designate the portion to remain undivided for the owners whose interests remain unknown, or are not ascertained; or the court may with the consent of the parties appoint one referee instead of three, and he, when appointed, has all the powers and may perform all the duties required of three referees; and the court must appoint as referee any person or persons to whose appointment all the parties have consented, and no person shall be appointed as referee who is disqualified from acting as an appraiser under the provisions of the Probate Code.

Sale

Partition

Referee

Where the property or an interest therein is subject to an express trust the court, notwithstanding the foregoing provisions of this section respecting property subject to a life estate and contingent remainder, may but shall not be required to order a sale thereof; and in the event of either a partition or sale, the property or proceeds of sale allotted to the trustee of such express trust shall be held by him upon the trust therein stated, and no further action by the court pursuant to Section 781 of this code shall be required.

Trust property

When the site of an incorporated city or town is included within the exterior boundaries of the property to be partitioned, the court must direct the referees to survey and appraise the entire property to be partitioned by actual lots and

City within boundaries

subdivisions then existing in the actual possession of the several tenants in common, exclusive of the value of improvements thereon, first setting apart necessary portions of the property for ways, roads and streets, as in Section 764 provided, and to report such survey and separate appraisement on each lot and subdivision to the court.

Action of court

The court may confirm, change, modify, or set aside the report in whole or in part, and, if necessary, appoint new referees.

Sale

When, after the final confirmation of the report of such survey and appraisement, it appears by evidence to the satisfaction of the court that an equitable partition of the whole property is impracticable, and a sale of the site of such city or town, or any portion thereof, will be for the best interests of the owners of the whole property, it must order a sale thereof; provided, that within 60 days thereafter any tenant in common or tenants in common, having improvements erected on any town or city lot or subdivision included in such order of sale, shall have the prior right to purchase the same at such appraised valuation, and may pay into court the amount so appraised as the value thereof, and upon such payment the title shall vest in such purchaser or purchasers, and the court shall cause to be executed by such referees a deed for such lot or subdivision in fee and in severalty to such purchaser or purchasers; such further proceeding shall then be had as to the remainder of the property, and the money so paid to the court, as by this chapter provided.

Right of tenants in common

Death or incompetency of parties

If, during the pendency of the action, any of the parties die, or become insane, or otherwise incompetent, the proceedings shall not for that cause be delayed or suspended, but the attorney who has appeared for such party may continue to represent such interest; and in case any such party has not appeared by an attorney, the court must appoint an attorney to represent the interest which was held by such party, until his heirs or legal representatives, or successors in interest, shall have appeared in the action; and an attorney so appointed must be allowed by the court a reasonable compensation for his services, which may be taxed as costs against the share or interest represented by such attorney, and may be adjudged a lien thereon in the discretion of the court.

SEC. 2. Section 784 of said code is amended to read:

Report of sale

784. After completing a sale of property, or any part thereof ordered to be sold, the referees must report the same to the court, with a description of the different parcels of land sold to each purchaser; the name of the purchaser; the price paid or secured; the terms and conditions of the sale, and the securities, if any, taken. The report must be filed in the office of the clerk of the county in which the action is brought. Thereafter any purchaser, the referee, or any party to the action, may, upon 10 days' notice to the other parties who have appeared therein, and also to the purchaser if he be not the moving party, move the court to confirm or set

Confirmation by court

aside any sale or sales so reported. Upon the hearing, the court must examine the return and report and witnesses in relation to the same, and if the proceedings were unfair, or the sum bid disproportionate to the value, and if it appears that a sum exceeding such bid at least 10 percent, exclusive 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 conducted in all respects as if no previous sale had taken place. If an offer of 10 percent more in amount than that named in the return be made to the court, in writing, by a responsible person, it is in the discretion of the court to accept such offer and confirm the sale to such person, or to order a new sale.

CHAPTER 1502

An act to amend Section 3076 of the Penal Code, relating to county industrial farms and road camps.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 3076 of the Penal Code is amended to read:

3076. The board shall act at regularly called meetings at which two-thirds of the members are present, and shall make and establish rules and regulations in writing stating the reasons therefor under which any prisoner who is imprisoned in any county jail, industrial farm, or industrial road camp, 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 county, after judgment of conviction for the commission of a misdemeanor, may be allowed to go upon parole outside of any jail, farm, or road camp in which he is imprisoned, but to remain, while on parole, in the legal custody and under the control of the board establishing the rules and regulations for his parole, and subject at any time to be taken back within the enclosure of any such jail, farm, or road camp.

CHAPTER 1503

An act to amend Section 31452 of the Government Code, relating to exemption from taxes.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 31452 of the Government Code is hereby amended to read:

31452. The right of a person to a pension, annuity, retirement allowance, return of contributions, the pension, annuity, or retirement allowance, any optional benefit, any other right accrued or accruing to any person under this chapter, the money in the fund created or continued under this chapter, and any property purchased for investment purposes pursuant to this chapter, are exempt from taxation, including any inheritance tax, whether state, county, municipal, or district, and from any law relating to bankruptcy or insolvency. They are not subject to execution, garnishment, attachment, or any other process of court whatsoever, and are unassignable except as specifically provided in this chapter.

CHAPTER 1504

An act to amend Section 5126 of the Public Resources Code, relating to technical schools or institutes maintained by counties.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 5126 of the Public Resources Code is amended to read:

5126. The board may conduct special or technical schools or institutes for instruction in any of the matters pertaining to or connected with the museum, may issue certificates evidencing completion of the instruction taken to the satisfaction of the board, and may charge fees necessary to defray the cost of instruction

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CHAPTER 1505

An act to add Section 6387 to the Revenue and Taxation Code, relating to the sales tax in connection with sales of property for delivery and use outside the State.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 6387 is added to the Revenue and Taxation Code, to read:

6387. There are exempted from the computation of the amount of the sales tax the gross receipts from sales of tangible personal property purchased for use solely outside this State and delivered to a forwarding agent, export packer, or other person engaged in the business of preparing goods for export or arranging for their exportation, and actually delivered to a port outside the continental limits of the United States prior to making any use thereof.

CHAPTER 1506

An act to add Section 21200.5 to the Government Code, and to add Section 14278 to the Education Code, relating to public employees.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 21200.5 is added to the Government Code, to read:

21200.5. The right of a person to a pension, retirement allowance, return of contributions, the pension, retirement allowance, any optional benefit, or any other right accrued or accruing to any person under this part are exempt from taxation, including any inheritance tax, whether state, county, municipal, or district

SEC. 2. Section 14278 is added to the Education Code, to read:

14278. The right of a person to a pension, retirement allowance, return of contributions, the pension, retirement allowance, any optional benefit, or any other right accrued or accruing to any person under this part are exempt from taxation, including any inheritance tax, whether state, county, municipal, or district.

CHAPTER 1507

An act to repeal Section 5055.1 as added by Chapter 1685 of the Statutes of 1953 of, and to add Sections 5055.1 and 7727.2 to, the Education Code, relating to state school building aid.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 5055.1, as added by Chapter 1685 of the Statutes of 1953, of the Education Code is repealed.

SEC. 2. Section 5055.1 is added to said code, to read:

5055.1. If the Director of Finance determines in any fiscal year that the amount certified to the State Controller as the "second computation" during the next preceding fiscal year is more or less than the amount actually raised by the district for the repayment of principal and interest of the bonded indebtedness referred to in Section 5055, then the Director of Finance shall add to, or subtract from, the amount computed as the "second computation" for the current fiscal year, as the case may require, an amount equal to the difference between the amount actually raised by the district for the repayment

of such bonded indebtedness and the amount so certified by the Director of Finance.

SEC. 3. Section 7727.2 is added to said code, to read:

7727.2. If the Director of Finance determines in any fiscal year that the amount certified to the State Controller as the "second computation" during the next preceding fiscal year is more or less than the amount actually raised by the district for the repayment of principal and interest of the bonded indebtedness referred to in Section 7727, then the Director of Finance shall add to, or subtract from, the amount computed as the "second computation" for the current fiscal year, as the case may require, an amount equal to the difference between the amount actually raised by the district for the repayment of such bonded indebtedness and the amount so certified by the Director of Finance.

CHAPTER 1508

An act to amend Section 2804 of the Revenue and Taxation Code, relating to the collection of taxes on part of an assessment.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 2804 of the Revenue and Taxation Code is amended to read:

2804. The application shall be made after the first Monday in July and before December 1st.

CHAPTER 1509

An act to amend Section 2385 of the Business and Professions Code, relating to the healing arts.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 2385 of the Business and Professions Code is amended to read:

2385. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital of any licentiate for a mental illness shall operate as a suspension of the right to practice of any certificate holder under this chapter, such suspension to continue until restoration to or declaration of sanity or mental competence. The record of adjudication, judgment or order of voluntary commitment is conclusive evidence of such insanity or mental illness, and

upon receipt of a certified copy of any such adjudication, judgment, voluntary commitment or order by the board it shall immediately suspend the certificate of the person adjudicated or committed. The board shall not restore such certificate to good standing until it shall receive competent evidence of restoration to or declaration of sanity and until it is satisfied that, with due regard for the public interest, said person's right to practice may be safely reinstated. Before reinstating such person, the board may require the person to pass an oral examination to determine his present fitness to resume his practice.

CHAPTER 1510

An act to amend Section 12320 of the Government Code, relating to the deposit of state-owned bonds and other securities with the State Treasurer.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 12320 of the Government Code is amended to read:

12320. The Treasurer shall receive and keep in the vaults of the State Treasury or deposit in banks all moneys belonging to the State, not required to be received and kept by some other person. Bonds, and other securities or investments belonging to the State shall be received by the State Treasurer and kept in the vaults of the State Treasury. However bonds or interest-bearing notes or obligations of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest may be deposited by the State Treasurer for safekeeping with the trust department of any state or national bank in this State or a trust company authorized to act as such in this State, or the Federal Reserve Bank of San Francisco.

CHAPTER 1511

An act to amend Section 1193.1 of the Code of Civil Procedure, relating to mechanics' liens.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

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

1193.1. (a) Every original contractor claiming the benefit of this chapter, after the completion of his contract and within

Who may claim lien

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.

Notice of completion

(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 improvement 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.

(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.

Equivalents to 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.

(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.

Contents and filing of notice

(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 his agent 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.

Notice of 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).

Contents and filing of 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 his agent 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 two or more 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, 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 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 1512

An act to amend Section 18203 of the Education Code, relating to school building inspectors.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 18203 of the Education Code is amended to read:

18203. The State Division of Architecture shall make such inspection of the school buildings and of the work of construction or alteration as in its judgment is necessary or proper for the enforcement of this article and the protection of the safety of the pupils, the teachers, and the public. The school district, city, city and county, or the political subdivision within the jurisdiction of which any school building is constructed or altered shall provide for and require competent, adequate, and continuous inspection during construction or alteration by an inspector satisfactory to the architect or structural engineer and the Division of Architecture. The inspector shall act under the direction of the architect or structural engineer as the board may direct, and be responsible to the governing board.

CHAPTER 1513

An act to amend Sections 761 and 785 of the Probate Code, relating to probate sales of real property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.] In effect immediately

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

SECTION 1. Section 761 of the Probate Code is amended to read:

761. In case of sale on an increased bid made at the time of confirmation to a purchaser not procured by the agent holding the contract, the court shall allow a commission on the full amount for which the sale is confirmed, one-half of said commission on the original bid to be paid to the agent whose bid was returned to the court for confirmation and the balance of the commission on the purchase price to the agent, if any, who procured the purchaser to whom the sale is confirmed. If the successful bidder is not produced by a bona fide agent, then the agent holding the contract shall be allowed a full commission on the amount of the original bid returned by him. Commission on sales

SEC. 2. Section 785 of said code is amended to read:

785. Upon the hearing the court must examine into the necessity for the sale, or the advantage, benefit and interest of the estate in having the sale made, and must examine the return and witnesses in relation to the sale; and if it appears to the court that good reason existed for the sale, that the sale was legally made and fairly conducted, and complied with the requirements of the previous section, that the sum bid is not disproportionate to the value, and it does not appear that a sum exceeding such bid at least 10 percent on the first ten thousand dollars ($10,000) bid and 5 percent on the amount of the bid in excess of ten thousand dollars ($10,000), exclusive of the expenses of a new sale, may be obtained, the court shall Confirmation of sale

make an order confirming the sale and directing conveyances to be executed; otherwise it shall 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. But if a written offer in an amount at least 10 percent more on the first ten thousand dollars ($10,000) bid and 5 percent more on the amount of the bid in excess of ten thousand dollars ($10,000) is made to the court by a responsible person, and the offer complies with all provisions of the law, the court shall accept such higher offer, confirm the sale to such person and fix a reasonable compensation for the services to the estate of the agent, if any, producing the successful bidder, or, in its discretion, order a new sale. If more than one written offer in an amount at least 10 percent more on the first ten thousand dollars ($10,000) bid and 5 percent more on the amount of the bid in excess of ten thousand dollars ($10,000) is made to the court by responsible persons, and if any such increased bid complies with all the provisions of the law, the court shall accept such highest increased bid, confirm the sale to the person making such increased bid, and fix a reasonable compensation for the services to the estate of the agent, if any, producing the successful bidder or, in its discretion, order a new sale. The compensation of the agent producing the successful bidder shall not exceed one-half of the difference between the amount of the bid in the original return and the amount of the successful bid, but such limitation shall not apply to any compensation of the agent holding the contract with the executor or administrator.

Limitation on compensation

Determination of amount of bid

For the purposes of this section the amount of a bid shall be determined by the court without regard to any commission on the amount of such bid to which an agent may be entitled by virtue of a contract with the executor or administrator. It shall be determined without regard to any condition of the bid that a certain amount thereof be paid to an agent by the executor or administrator, but notwithstanding that a bid contains such a condition, only such compensation to an agent as is proper under the preceding provisions of this section shall be allowed, and acceptance of the bid by the court binds the bidder though the compensation so allowed is less than the compensation to which the agent would be entitled had the condition been observed.

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:

The wording of the sections of the Probate Code amended by this act and a recent district court of appeal decision have resulted in great uncertainty in the minds of real estate agents and brokers as to their right to compensation, and the amount thereof, when producing bids for real property in the estate of a decedent. This uncertainty has resulted in a sharp decrease

in the number and amount of bids made for such property. Often such property constitutes the bulk of an estate and a substantially increased bid for the property would mean comfortable rather than substandard living conditions for the widow or widower and children of the decedent. This act, by eliminating the uncertainty referred to, will tend to increase the number and amount of bids, to the benefit of such widows, widowers, children, and other devisees, legatees, or heirs of the decedent.

CHAPTER 1514

An act to add Division 18 to the Water Code, relating to the incorporation, organization, dissolution, powers, government and management of water replenishment districts.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Division 18 is added to the Water Code, to read:

DIVISION 18. WATER REPLENISHMENT DISTRICTS

PART 1. INTRODUCTORY PROVISIONS

CHAPTER 1. SHORT TITLE

60000. This division shall be known and may be cited as the Water Replenishment District Act. Short title

CHAPTER 2. DEFINITIONS

60001. The definition of a word applies to any of its variants.

60002. "Include" except when used in relation to the inclusion of land into a district does not necessarily exclude matters not enumerated. "Include"

60003. "District" means a water replenishment district formed under the provisions of the Water Replenishment District Act, or this division. "District"

60004. "Board" means the board of directors of a district. "Board"

60005. "Land" means land in the district or proposed district involved. "Land"

60006. "President" means the president of the board. "President"

60007. "Secretary" means the secretary of the board. "Secretary"

60008. "General water replenishment district election" means the election required to be held in each district at the time of the direct primary election in each even-numbered year. "General water replenishment district election"

"Special water district election"

60009. "Special water district election" means any district election other than a general water replenishment district election.

"Elector," etc

60010. "Elector," "voter," and "precinct board" 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.

"Person"

60011. "Person" means any public agency or public corporation, whether federal, state, or local, or any private corporation, firm, partnership, individual, or group of individuals.

"Water replenishment district"

60012. "Water replenishment district" means a special water replenishment district.

"Water year"

60013. "Water year" means the period commencing on October 1st of one calendar year and ending on September 30th of the calendar year immediately following.

"Fiscal year"

60014. "Fiscal year" means the period commencing on July 1st of one calendar year and ending on June 30th of the calendar year immediately following.

"Ground water"

60015. "Ground water" means water beneath the surface of the ground, whether or not flowing through known and definite channels.

"Nonsaline water"

60016. "Nonsaline water" means water the salinity of which does not exceed the tolerance generally acceptable within the replenishment district for salinity of water used for domestic or agricultural purposes within such replenishment district.

"Production," etc

60017. "Production" or "producing" means the extraction or extracting of ground water, by pumping or any other method, from shafts, tunnels, wells (including, but not limited to, abandoned oil wells), excavations, or other sources of such ground water, for domestic, municipal, irrigation, industrial, or other beneficial use, except that such terms shall not mean or include the extraction or extracting of ground water incidentally produced with oil in the production of oil or gas nor the extraction or extracting of ground water incidentally produced in a bona fide mining operation or in the bona fide construction of a tunnel for railroad, highway, aqueduct, pipeline, or other useful purpose (except the production of ground water for use or sale) unless the ground water so extracted shall be used or sold by the producer for domestic, municipal, irrigation, industrial, or other beneficial purpose.

"Water-producing facility"

60018. "Water-producing facility" means any device or method, mechanical or otherwise, for the production of ground water from the ground water supplies within a replenishment district.

"Owner"

60019. "Owner" means the person or persons owning any water-producing facility or any interest therein other than a lien to secure the payment of a debt or other obligation.

"Operator"

60020. "Operator" means the person or persons operating a water-producing facility; the owner thereof shall be conclusively presumed to be such operator unless satisfactory

showing be made to the board of directors of the replenishment district that such water-producing facility actually is operated by some other person or persons. "Operator" shall mean any "person" mentioned in Section 60011 of this act who is operating a water-producing facility, it being the purpose of this act to include any such person within the provisions hereof.

"Producer"

60021. "Producer" means any operator producing ground water.

"Annual overdraft"

60022. "Annual overdraft" means the amount, as determined by the board of directors of the replenishment district, by which the quantity of ground water removed by any natural or artificial means from the ground water supplies within such replenishment district during the water year exceeds the quantity of nonsaline water replaced therein by the replenishment of such ground water supplies in such water year by any natural or artificial means other than replenishment under the provisions of Part 6 of this act.

"Accumulated overdraft"

60023. "Accumulated overdraft" means the aggregate amount, as determined from time to time by the board of directors of the replenishment district, by which the quantity of ground water removed by any natural or artificial means from the ground water supplies within such replenishment district during all preceding water years shall have exceeded the quantity of nonsaline water replaced therein by the replenishment of such ground water supplies in such water years by any natural or artificial means, the respective determination to be based upon reports, records, and other data or evidence found by such board of directors to be adequate for the purpose of making such determination.

"Principal county"

60024. "Principal county" means the county in which the greater portion of the land in a district or a proposed district is situated, if the district or proposed district is located in more than one county. If the district is situated in only one county then "principal county" shall mean that county.

"Participating county"

60025. "Participating county" is any county other than the principal county in which the district or proposed district is situated, if the district or proposed district is located in more than one county.

"Affected county"

60026. "Affected county" means each county in which some land of the district or proposed district is located.

"Department"

60027. "Department," unless otherwise specified, means the Division of Water Resources of the Department of Public Works or its successor.

"State Engineer"

60028. "State Engineer" means the Chief of the Division of Water Resources in the Department of Public Works, or the successor of that office.

"Existing agency"

60029. "Existing agency" shall mean any public corporation, agency, district, or political subdivision created prior or subsequent to the formation of a replenishment district under this law and which has any of the same powers as a replenishment district.

CHAPTER 3. GENERAL PROVISIONS

Districts subject to provisions

60040. Districts, regardless of the date of formation, are subject to the provisions of this division.

Existing districts

60041. The inclusion in or annexation or addition to a replenishment district, of the corporate area of any existing agency, shall not destroy the identity or legal existence or impair the powers of any such existing agency, notwithstanding the identity of purpose, or substantial identity of purpose, of such replenishment district.

Manner of publishing notice

60042. Whenever by this division a notice is required to be published for a designated number of weeks or once a week for a designated number of weeks, the notice need be published on only one day of each week, and for only the same number of times as the number of weeks designated.

Time acts may be performed

60043. Whenever any act is required to be done or proceeding taken on the first Tuesday in any month, the act may be done or proceeding had upon the day of the month otherwise specified for the regular meeting of the board.

Territory includible

60044. A district may be organized entirely within unincorporated territory, or partly within unincorporated territory and partly within incorporated territory, and within one or more counties in this State.

Exception

60045. No area included within any existing agency or annexations thereto, one of the purposes of which is replenishing the ground water supplies within such existing agency and which agency is empowered to levy assessments or charges upon the production of water from such ground water supplies, shall be included within any replenishment district or annexations thereto created or annexed under this division.

Construction

60046. Unless the context otherwise requires, the provisions of this chapter shall govern the construction of this division.

Applicability

60047. The provisions of this division apply only to the replenishment of ground water within that area in this State defined by the exterior boundaries of the Counties of Santa Barbara, Ventura, Los Angeles, San Diego, Riverside, San Bernardino, and Orange, except those areas therein now or hereafter included within the Orange County Water District as provided by the Orange County Water District Act. The Legislature finds and declares that the problems of providing replenishment of the underground basin in the area of the Orange County Water District are peculiar to that area and for that reason it is necessary to deal specially with such area, and that this fact was recognized by the Legislature when it enacted the Orange County Water District Act and the amendments thereto to provide for such problems in that area.

Legislative declaration

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 to which the provisions of this division apply are insufficient to meet the water demands of the

areas, and, because of the geological conditions peculiar to this area, further excessive pumping without replenishment is certain to destroy the usefulness of these basins.

Actions to determine validity

60048. No informality in any proceeding or informality in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate any incorporation, annexation, exclusion, or other action under this act. Any action or proceeding wherein the validity of any such incorporation, annexation, exclusion or disincorporation is denied or questioned, shall be commenced within three (3) months from the date of the certificate of incorporation, annexation or exclusion issued by the Secretary of State, or from the date of the order of the board of supervisors declaring the disincorporation, as the case may be; otherwise, said actions and/or proceedings in respect thereto shall be held to be valid, and in every respect legal and incontestable.

Duties of registrar of voters

60049. Whenever there is a registrar of voters in any county the duties imposed on a county clerk by this division with respect to elections, and registration and election records, shall be performed by the registrar of voters with like effect, and in this case all papers or documents required to be filed with the county clerk shall be filed with the registrar of voters.

Severability

60050. If any section, subsection, subdivision, sentence, clause or phrase of this act, or of the act or acts of which this act is amendatory or supplemental, 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, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases of the act or acts of which this act is amendatory or supplemental, be declared unconstitutional. If any section, subsection, subdivision, sentence, clause or phrase of this act for any reason be held to be unconstitutional and such unconstitutional provision shall have purported to repeal or amend any provision of the acts or acts of which this act is amendatory or supplemental, the provision existing and in force at the time of the enactment of this act shall remain and be in full force and effect notwithstanding such purported repeal or amendment.

Construction

60051. No language or provision in this division shall be interpreted or construed so as to limit, abridge or otherwise affect the water or water rights of any existing agency or person or affect the rights of existing agencies or persons with respect to any legal proceeding pending on May 1, 1955, wherein any water or water right or the protection thereof is involved; provided, however, that nothing in this section shall be construed to limit the provisions of subdivision (7) of Section 60230 of this division.

CHAPTER 4. INFORMATION BY DEPARTMENT

Information To whom given

60060. The Department of Public Works shall supply information so far as it may be practicable to persons contemplating the formation of districts.

Surveys, etc

60061. Whenever the department deems it in the public interest that preliminary surveys and field investigations of a proposed district project should be made at the expense of the State, the department shall make the surveys and field investigations.

PART 2. FORMATION

CHAPTER 1. PETITION FOR FORMATION

Formation petition: Required signatures

60080. A petition, which may consist of any number of separate instruments, shall be filed with the county clerk of the principal county in which the proposed water replenishment district is located, signed by registered voters residing within the boundaries of the proposed district equal in number to at least 10 percent of the number of such voters residing within the proposed district; provided, that where the proposed district is situated partly in different counties, such petition must be signed by at least 10 percent of the voters of each such area situated within each county, and each petition shall clearly designate in which affected county it was circulated, and each petition shall contain names only of the voters of the affected county in which such petition was circulated.

Contents

60081. Such petition shall describe the proposed boundaries of the district, recite the reasons for the proposed formation, pray that the same be organized under this act, and propose a name by which such district shall be known. The persons seeking to organize a district shall include in the petition a statement limiting the annual property tax rate, not to exceed twenty cents ($0.20) for each one hundred dollars ($100) of assessed valuation, which may be levied by the board for the purpose of purchasing water for replenishment purposes, and the board shall thereafter be limited to the rate so fixed in the petition for formation, unless a majority of the electors voting at an election held for that purpose later change the rate so fixed in the petition.

Where territory includes more than one county

60082. If the proposed district is situated in more than one county, the county clerk of the principal county shall immediately transmit to the county clerks of the participating counties the petitions containing the signatures of the voters of each such participating county.

Examination

60083. Within ten (10) days of the date of filing said petition with the county clerk of the principal county, said county clerks of the affected counties shall examine the same and ascertain whether or not said petition is signed by the requisite number of voters within his county. When the county clerks of the affected counties have completed their examinations of said petition, they shall each attach to the

same their certificates, properly dated, showing the results of such examination, and if from such examination they shall find that such petition is signed by the requisite number of voters residing within the boundaries of that portion of the proposed district within the affected county, or is not so signed, they shall certify the same as sufficient or insufficient, as the case may be, and such certificates shall forthwith be transmitted to the county clerk of the principal county.

CHAPTER 2. HEARINGS ON FORMATION

Hearings Presentation of petition, etc

60095. If the certificates of the county clerks of each affected county as filed with the county clerk of the principal county show the petition to be sufficient, the county clerk of the principal county shall present such petition, together with the certificates of the county clerks of the affected counties to the board of supervisors of the principal county.

Filing of petition, etc

60096. Upon presentation of such petition and certificates, the board of supervisors of the principal county shall immediately file a copy of such petition with the Department of Public Works.

Time and scope of hearing

60097. Upon filing said petition with the department said department shall set the same for a public hearing within sixty (60) days, said hearing to determine whether or not other lands should be included within the proposed district, or whether some lands which are included should be excluded, and whether the proposed district, as modified by inclusions and exclusions, will be of benefit generally to all persons or property which rely directly or indirectly upon the use of or right to use the ground water supplies within such proposed district.

Publication of petition

60098. The department shall publish one copy of said petition, along with names of five of the persons signing such petition, together with a notice of the time, place and purpose of such hearing, and the same shall be published for at least two (2) weeks before said hearing in a newspaper of general circulation printed and published within each affected county.

Evidence

60099. At said public hearing which may be adjourned from time to time, the department shall hear all evidence relevant to the inclusion of additional lands in or the exclusion of lands from the proposed district, as well as all evidence relevant to the benefits to be derived by the persons or property within said proposed district by a ground water replenishment program.

Inclusion of additional land

60100. In the event the department determines that additional land should be included in the proposed district, it shall forthwith set a date for a public hearing to determine whether or not such land should be included. Notice of such hearing shall be published for at least two weeks before said hearing in a newspaper of general circulation printed and published within each affected county in which the proposed land is to be included, and said notice shall contain time,

place and purpose of such hearing, and shall describe the land so proposed to be included in the proposed district. In the event such hearing is held to consider the inclusion of additional land the department shall hear all evidence relevant to the inclusion of such additional land and the benefits to be derived by the persons or property within said land so to be included in the proposed district.

Determination For inclusion

60101. Within thirty (30) days after concluding all said hearings, but in any event within six (6) months of the filing of said petition with said department, the department shall make its determination of the lands to be included within the proposed district and state whether or not the persons or property within such proposed district will benefit directly or indirectly from the use or right to use the ground water supplies within such proposed district and the replenishment thereof, and this determination shall be filed with the board of supervisors of the principal county.

Same Against inclusion

60102. If the department determines that the persons or property within the proposed boundaries of the district will not benefit directly or indirectly from the use of or right to use the ground water supply therein and the replenishment thereof, the board of supervisors of the principal county will take no further action, but the petition and report will be filed as a public record without prejudice to the filing of a new petition for organization of a water replenishment district, except that no such new petition shall be filed within six months after any such adverse determination by the department.

Chapter 3. Calling an Election

Call of election· Division of district

60110. If the department determines that the persons or property within a proposed district will benefit directly or indirectly from the use of or right to use the ground water supplies therein or the replenishment waters thereof, the board of supervisors of the principal county shall forthwith divide the proposed district into five (5) divisions, according to and based upon the population, as estimated by the board of supervisors of the principal county from the register of voters used at the last general election, in such manner as to equalize, as nearly as practicable, the population in the respective divisions. Such divisions shall be numbered first, second, third, fourth, fifth, and one director, who shall be a resident thereof, shall be elected for each division by the voters thereof, and shall take office as hereinafter provided

Purpose and date

60111. When such order dividing the proposed district into five (5) divisions is made, said board of supervisors shall call and provide for the holding of an election to be held in said proposed district for the purpose of determining whether or not the same shall be incorporated, and for the purpose of electing the first board of directors, if the district is incorporated. The date of the election shall be not less than ninety (90) days nor more than one hundred twenty (120) days

from the date of the adoption of the resolution or ordinance calling the election. The notice of such election shall describe the boundaries of the proposed district, as modified by the report of the department, and of the divisions thereof as so established, and shall state the proposed name of the proposed district (which name shall contain the words "_____ Water Replenishment District"), and shall state that the first directors will be elected at such election, who shall take office if the district is incorporated, and shall set forth the names of the candidates of the offices of the directors from the respective divisions. Such notice of election shall be published once, not less than one week and not more than four weeks prior to such election in at least one, but not to exceed three, newspapers printed and published in each said affected county. Notice

CHAPTER 4. CONDUCT OF ELECTION

60120. The provisions of the Elections Code so far as they may be applicable shall govern all general and special water district elections, except as in this act otherwise provided. Conduct of election. Applicable laws

60121. In such election the first directors shall be elected, and the following measure shall be submitted: Form of proposition on ballot

"Shall the proposition to organize _____ Water Replenishment District under the Water Replenishment District Act be adopted?"

The candidates shall declare their candidacy and shall be nominated, the election shall be held and conducted, the vote canvassed, the result declared and the certificate of election issued in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. No person shall be entitled to vote at any election under the provisions of this act unless such person possesses all of the qualifications required of voters under the Elections Code.

60122. Within seven (7) days after such election the vote shall be canvassed by said board of supervisors of the principal county. If a majority of the votes cast in such election shall be in favor of organizing such district, said board shall, by order, entered on its minutes, declare the territory included within the proposed boundaries duly organized, as a water replenishment district under the name theretofore designated, and the county clerk of the principal county shall immediately cause to be filed with the Secretary of State, and cause to be recorded in the offices of the county recorders of each affected county a certificate stating that such proposition was adopted. Canvass of vote. Majority vote. Order

60123. Upon receipt of said certificate the Secretary of State shall, within ten (10) days, issue his certificate reciting that the named water replenishment district has been duly incorporated according to the laws of the State of California. A copy of such certificate shall be transmitted to and filed with the county clerk of each affected county. Certificate of incorporation

Incorporation completed

60124. Upon filing said certificate of the county clerk of the principal county with the Secretary of State, the district shall be deemed incorporated as a water replenishment district, with all the rights, privileges and powers set forth in this act.

Substantial compliance

60125. No informality in any proceeding or informality in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of any district, and any proceedings, wherein the validity of such incorporation is denied, shall be commenced within three (3) months from the date of the certificate of incorporation, otherwise said incorporation and the legal existence of said district and all proceedings in respect thereto shall be held to be valid and in every respect legal and incontestable.

Validity of proceedings

PART 3. INTERNAL ORGANIZATION

CHAPTER 1. DIRECTORS

Directors Election

60130. If a majority of the votes cast at such election are in favor of organizing such district, the persons voted for as directors who receive the highest number of votes within the respective divisions shall be duly elected as directors of the district.

Number

60131. The board of a district organized under this act shall consist of five members, and one director, who shall be a resident of the division, shall be elected by the voters thereof, for each of the five divisions of such district, which divisions shall be numbered first, second, third, fourth and fifth, and shall be established as provided in Section 60110 of this act.

Relocation of divisions

60132. Whenever a sufficient change in the population occurs in a district after its organization which makes it desirable in the opinion of the board of the district to relocate the boundary or boundaries of any division or divisions, or whenever any territory is added to or excluded from the district, the board shall, by resolution, relocate the boundary lines of the division or divisions so as to equalize, as nearly as may be practicable, the population in the respective divisions. For this purpose, the board may estimate the population by reference to the register of voters used at the last general election, and may relocate the boundary lines of the respective divisions without regard to the places of residence of the directors then in office. No such change in the division lines shall be made within the four months immediately preceding the election of any director nor shall such change in division lines work a forfeiture of office of any director. Whenever such change is made in the division lines, each director then in office, and until his office becomes vacant by expiration of his term or otherwise, shall continue to be the director for the respective division bearing the number of his division as formerly located even though such director is not a resident of

the relocated division. His successor shall be a resident and voter of the relocated division.

Election of original board

60133. The members of the first board shall be elected at the time and in the manner provided in Chapter 3 of Part 2 of this act, and their successors shall be elected or chosen at the times and in the manner hereinafter provided.

Term of office

60134. Each director shall hold office for the term of four (4) years from and after the date for his taking of office, as herein provided, and until the election and qualification of his successor, except that the five members of the first board shall classify themselves by lot so that two of them shall hold office until the qualification of, and taking office by, their successors elected at an election held in the next succeeding even-numbered year, and so that three shall hold office until the qualification of, and taking of office by, their successors elected at an election held in the second succeeding even-numbered year.

Time of election

60135. In the case of all districts (except as to the election of the first board) the elections of directors shall be held at the time of the direct primary election and shall be consolidated therewith.

Majority vote

60136. Each candidate for director who at such election receives votes on a majority of all the ballots cast for candidates for the office for which he seeks nomination shall be elected to such office.

Plurality

60137. If at such primary election, as to any such office, none of the candidates receives such majority, the two candidates who receive the highest number of votes cast on all the ballots cast for candidates for such office shall be the candidates for such office at the ensuing district election, which latter election shall be held at the same time as the next succeeding general election and shall be consolidated therewith.

Election procedure

60138. Candidates shall declare their candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuance of certificates of election for county officers are made, declared, held, and conducted, and issued, so far as consistent with the provisions of this act and except as otherwise herein expressly provided.

Time directors take office

60139. Directors elected hereunder, except the first board, shall take office at the same time provided by the Government Code for county officers.

Time and name of election

60140. Said election held at the time of the direct primary election and consolidated therewith shall be known as the general water replenishment district election, and each other election which may be held by authority of this act or the Elections Code or other law applicable thereto shall be known as a special water replenishment district election.

Appointment of sole nominee

60141. If, on the sixty-fifth day prior to the day fixed for the district general election, only one person has been nominated for each office of member of the board to be filled at that election, said board shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the principal county, at a regular or special meeting held prior to the day of election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons who have been nominated. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

In such case, the publication provided for in Section 60111 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 directors.

Recall of incumbent

60142. Every incumbent of an elective office, whether elected by popular vote for a full term, or chosen by the board of directors to fill a vacancy, is subject to recall by the voters of any water district organized under the provisions of this act in accordance with the recall provisions of the Elections Code of the State with reference to cities.

Compensation

60143. Each of the members of the board shall receive for each attendance at the meetings of the board twenty dollars ($20). No director, however, shall receive pay for more than three meetings in any calendar month

Vacancies

60144. Any vacancy in the board shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of and otherwise qualified to be a director from the division in which the vacancy shall occur and shall hold office for the remainder of the unexpired term.

Interest of directors in contracts

60145. Except as herein provided, no director of any district shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, and no officer or employee of any district shall in any manner be interested, directly or indirectly, in any contract made by such officer or employee pursuant to discretionary authority vested in him, or in the benefits to be derived therefrom. For any violation of this section, such director or other officer or employee of any district shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment. Neither this section nor any other law shall, however, be deemed to invalidate any contract or instrument, nor to establish or define any misdemeanor or other crime, merely because such director or other officer or employee shall be the owner of land or a water-producing facility within the district or have any interest in such contract or instrument, or shall derive any benefit therefrom:

(a) If such director or other officer or employee shall own or control, directly or indirectly, not more than 5 per centum

of the outstanding stock or securities of the contracting corporation; or

(b) If such contract or instrument shall be entered into pursuant to the provisions of any ordinance or regulation of the district of uniform application, and which ordinance or regulation shall have become effective prior to the making or execution of such contract or instrument.

CHAPTER 2. BOARD OF DIRECTORS

Board. Governing body

60150. The board shall be the governing body of such district.

Meetings

60151. It shall hold its first meeting as soon as possible after the election and certification of the first board and not later than the sixth Monday after the date of the first election of directors as herein provided; it shall choose one of its members president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Same Open to public

60152. All legislative sessions of the board, whether regular or special, shall be open to the public.

Quorum

60153. A majority of the board shall constitute a quorum for the transaction of business.

Selection of president

60154. At its first meeting in the month of January of each odd-numbered year, the board shall choose one of its members president.

Depository of district funds

60155. The board shall designate a depository or depositories to have the custody of the funds of the district, all of which depositories shall give security sufficient to secure the district against possible loss, and who shall pay the warrants drawn by the treasurer for demands against the district under such rules as the directors may prescribe.

CHAPTER 3. BOARD ACTION

Methods of board action:

60160. The board shall act only by ordinance, resolution, or motion.

Ordinances

60161. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board.

Resolutions and motions

60162. Resolutions and motions may be adopted by voice vote, but on demand of any member the roll shall be called.

Majority vote required

60163. No ordinance, motion or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board.

Enacting clause

60164. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of _____ Water Replenishment District as follows:".

Ordinances: Passage by voters

60165. Ordinances may be passed by the voters of any district organized under the provisions of this act in accordance with the methods provided by the Elections Code for direct legislation in cities.

Ordinances Veto by voters

60166. Ordinances may be disapproved and thereby vetoed by the voters of any such district by proceeding in accordance with the methods provided by the Elections Code for protesting against legislation in cities.

CHAPTER 4. OFFICERS AND EMPLOYEES

Appointment, etc., of officers

60180. At its first meeting, or as soon thereafter as practicable, the board shall appoint by a majority vote a secretary, treasurer, attorney, general manager and auditor, define their duties and fix their compensation, and each shall serve at the pleasure of the board, and may employ such additional assistants and employees as they may deem necessary to efficiently maintain and operate said district.

Consolidation of offices

60181. Said board may consolidate the office of secretary and treasurer.

Duties-President and secretary

60182. The president and secretary in addition to the respective duties imposed on them by law shall perform such duties as may be imposed on them by the board.

Treasurer

60183. The treasurer, or such other person or persons as may be authorized by the board, shall draw checks or warrants to pay demands when such demands shall have been audited and approved in the manner prescribed by the board.

General manager

60184. The general manager shall have full charge and control of the maintenance, operation and construction of the spreading or other works of the district with full power and authority to employ and discharge all employees and assistants at pleasure, prescribe their duties, fix their compensation, subject to the approval of the board.

Same

60185. The general manager shall perform such other duties as may be imposed on him by the board. The general manager shall report to the board in accordance with such rules and regulations as they may direct.

Attorney

60186. The attorney shall be the legal adviser of the district and shall perform such other duties as may be prescribed by the board.

Performance bonds of general manager, etc

60187. The general manager, secretary and treasurer, and all other employees or assistants of said district who may be required to do so by the board, shall give such bonds to the district conditioned for the faithful performance of their duties as the board from time to time may provide. The premiums on such bonds shall be paid by the district.

CHAPTER 5. LIABILITY OF OFFICERS AND DIRECTORS

Liability for appointee's actions

60200. No director or other officer, agent, or employee of any district shall be liable for any act or omission of any officer, 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 such person was appointed or employed or unless he retains

the inefficient or incompetent person after notice of the inefficiency or incompetency.

Defense of actions

60201. The district may employ counsel to defend any litigation brought against any director or other officer, agent or employee thereof, on account of his official action, and the fees and expenses involved therein shall be a lawful charge against the district.

Payment of judgment

60202. If any director or other officer, agent, or employee of the district is held liable for any act or omission in his official capacity, and any judgment is rendered thereon, the district, except in case of his actual fraud or actual malice, shall pay the judgment without obligation for repayment by such director or other officer, agent or employee.

CHAPTER 6. CONDUCT OF ELECTIONS

Conduct of elections Applicable laws

60210. The provisions of the Elections Code so far as they may be applicable shall govern all general district elections and all special district elections, except as in this act otherwise provided.

Qualified voters

60211. No person shall vote at any district election held under the provisions of this act who is not a voter within the meaning of the Elections Code, residing in the division of the district in which he casts his vote. For the purpose of registering voters who shall be entitled to vote at district elections, the county clerk or registrar of voters is authorized, in any county in which there is a district, to indicate upon the affidavit of registration whether the voter is a voter of a district.

Same

60212. In case the boundary line of a district crosses the boundary line of a county election precinct only those voters within such district and within such precinct who are registered as being voters within the district shall be permitted to vote, and for that purpose the county clerk or registrar of voters is hereby empowered to provide two sets of ballots within such precincts, one containing the names of candidates for office in said district, and the other not containing such names, and it shall be the duty of the election officers in such precincts to furnish only those persons registered as voters within such district with the ballots upon which are printed the names of the candidates for office in said district.

Ballots

60213. In counties in which districts are located the county clerk or registrar of voters is hereby given authority, and he hereby is authorized to have printed upon the official ballots provided for voters at elections for directors a heading in the same form as that provided by the Elections Code for nonpartisan officers, which heading shall be marked "Water Replenishment District," with a subheading "For a Member of the Board of Directors, Division _____ (here inserting the number of the division)—Vote for One," and beneath which shall appear the names of the candidates for the office of member of the board for such division of the district, with the appropriate blank space for the writing in of the name of a

candidate if desired by the voters, and with a voting square placed opposite the space. The ballots thus provided shall be furnished by the precinct officers only to those voters within their respective precincts who shall appear on the register as duly registered voters within that division of the district, and in precincts which lie partly within such district and partly without the precinct board shall be supplied with two kinds of ballots by said county clerk or registrar of voters, one of which shall contain the matters hereinabove set forth for the use of voters of such district, and the other of which shall be without such heading containing the names of candidates for the office of member of the board, and which shall be furnished to those voters who are not voters of the district and who are voters of the precinct.

Canvass of elections

60214. The board shall call and canvass all elections involving matters of initiative and referendum and shall call all other elections which it is authorized to canvass.

Compensation, etc., of election officers

60215. The governing body calling or conducting any election under the provisions of this act shall fix the compensation to be paid the officers of the election and shall designate the precincts and polling places for each division of the district and shall appoint the officers of such election, who shall consist of one inspector, one judge, and two clerks, unless, in case of consolidated elections, other officers of election are required by law.

Precincts

60216. The voting precincts for any such election may be established and the boundaries thereof fixed and described by such governing body, or such voting precincts may consist of either the regular election precincts or portions thereof within the district established for holding state or county elections, or a consolidation of any or all of such regular election precincts or portions thereof last established.

Consolidation

60217. If any district election is consolidated with any state or county election, then the voting precincts, polling places, and election officers for the district election shall be the same as those established for such state or county election.

PART 4. POWERS

CHAPTER 1. PURPOSES AND POWERS

Power to replenish ground water

60220. A district may do any act necessary to replenish the ground water of said district.

Specific powers

60221. Without being limited to the following enumerations, a district may, among other things but only for the purposes of replenishing the ground water supplies within the district:

(a) Buy and sell water;

(b) Exchange water;

(c) Distribute water to persons in exchange for ceasing or reducing ground water extractions;

(d) Spread, sink and inject water into the underground;

(e) Store, transport, recapture, reclaim, purify, treat or otherwise manage and control water for the beneficial use of persons or property within the district.

(f) Build the necessary works to achieve ground water replenishment.

Prevent water interference, etc

60222. A district may take any action necessary to protect or prevent interference with water, the quality thereof, or water rights of persons or property within the district, subject to the limitations contained in Section 60230.

Beneficial use of water

60223. For the purposes of replenishing the ground water supplies within the district, a district may do any act in order to put to beneficial use any water under its control or management.

CHAPTER 2. POWERS

Powers Generally

60230. For the purposes of replenishing the ground water supplies within the district, a district 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.

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

(4) To take by grant, purchase, gift, devise, or lease, to hold, use and enjoy, and to lease, convey or dispose of, real and personal property of every kind, within or without the district, necessary or convenient to the full exercise of its power.

Construct, etc., water facilities

(5) Within or outside of the district to construct, purchase, lease, or otherwise acquire, and to operate and maintain necessary waterworks and other works, machinery and facilities, canals, conduits, waters, water rights, spreading grounds, lands, rights and privileges useful or necessary to replenish the underground water basin within said district, or to augment the common water supplies of said district.

Storage

(6) For the common benefit of said district, to store water in underground water basins or reservoirs within or outside of said district, to appropriate and acquire water and water rights within or outside of said district, to import water into said district, and to conserve water within or outside of said district.

Litigation

(7) To carry out the purposes of this act, to commence, maintain, intervene in, defend and compromise, in the name of said district, or otherwise, and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to prevent interference with water or water rights used or useful to lands within said district, or diminution of the quantity or pollution or contamination of the water supply of said district, or to prevent unlawful exportation of water from said district, or to prevent any interference with the water or water rights used or useful in said district which may endanger or damage the inhabitants, lands or use of water in

said district; provided, however, that said district shall not have the power to intervene or take part in, or to pay costs or expenses of actions or controversies between the owners of lands or water rights all of which are entirely within the boundaries of said district, unless the same is an action to adjudicate all or substantially all of the rights to use or extract ground water within said district, but none other.

Eminent domain

(8) To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the district or any portion thereof with replenishment water, except (a) water and water rights already devoted to beneficial use, and (b) property (other than water and water rights) already appropriated to public use unless the taking be for a more necessary public use than that to which the property is already appropriated; provided, the district in exercising such power shall in addition to the damage for taking, injuring, or destruction of property also pay the cost of removal, reconstruction or relocation of any structure, including, but not limited to, railways, mains, pipes, conduits, wires, cables, towers, or poles of any public utility which is required to be removed to a new location. No use by a district of property owned, at the time the action to condemn is brought, by an existing agency having powers to provide for the replenishment of ground waters, shall constitute a more necessary public use than the use to which the property is already appropriated. In proceedings relative to the exercise of such right, the district shall have all of the rights, powers and privileges of a city.

Joint action

(9) To act jointly with or cooperate with the United States or any agency thereof, and, under the applicable laws of this State, cooperate and act jointly with the State of California, or any county or agency thereof, or any political subdivision or district therein, including flood control districts, public and private corporations, and any person, to the end that the purposes and activities of this district may be fully and economically performed.

Assessments and charges

(10) To cause assessments and/or charges to be levied as hereinafter provided to accomplish the purposes of this act.

Contracts, employees, etc

(11) To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers.

Investigations

(12) To carry on technical and other investigations of all kinds, necessary to carry out the provisions of this act, and for this purpose said district shall have the right of access through its authorized representative to all properties within said district.

Incur and retire indebtedness

(13) To borrow money and incur indebtedness and to issue bonds or other evidences of such indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or property thereof; also to issue warrants to pay the formation expenses of the district, which warrants may bear interest at a rate not exceeding 6 percent a year from the date of issue until funds are available to pay the warrants, and

which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings, but shall not include the expenses of holding and conducting the formation election.

(14) To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the district, including its formation expenses and any warrants issued therefor. Levy taxes

(15) To fix the rates at which water shall be sold for replenishment purposes, and to establish different rates for different classes of service or conditions of service, provided the rates shall be uniform for like classes and conditions of service. Fix rates

(16) To fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end a district may become a party to such contract and pay from district funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the district are directly or indirectly benefited by the resulting replenishment. Replenishment contracts

60231. The powers and duties herein enumerated shall, except as herein otherwise expressly provided, be exercised and performed by the board of the district. In the event an existing agency has facilities available and adequate to accomplish any part of the purposes of a district created under this act, the district shall investigate and determine the cost of contracting for the accomplishment of such purpose through such existing agency. Thereupon, the board shall make a finding as to whether or not the purpose proposed to be accomplished by the district can be achieved more economically and for the best interests of the area to be benefited by entering into such a contract with an existing agency. If the board finds that such contract is more economical and for the best interests of the area to be benefited, it shall so contract for the accomplishment of said purpose, if such agency so agrees. The purpose of this section is to avoid duplication of similar operations by existing agencies and replenishment districts. Contracts with existing agencies

60232. Each district has the power generally to perform all acts necessary to carry out fully the provisions of this act. General powers

PART 5. FINANCES

CHAPTER 1. DEPOSITARY

60240. Any money belonging to a district may be deposited or invested and drawn out as provided in Title 5, Division 2, Part 1, Chapter 4, Article 2 of the Government Code, as now or hereafter amended. Deposit and withdrawals of money

CHAPTER 2. WATER CHARGE

Rates Limitation

60245. The board shall fix such rate or rates for the sale or exchange of water for replenishment purposes only as will result in revenues which will pay, insofar as practicable, the operating expenses of the district.

Uniformity

60246. The rate charged shall be uniform for like classes and conditions of service.

CHAPTER 3. TAXES

Tax when rates inadequate

60250. To the extent that the revenues resulting from water charges authorized by Section 60245 of this act are inadequate to meet the obligations and expenses therein set out, the board may cause a tax to be levied, as herein provided, sufficient to pay the expenses and charges set out in Section 60245.

Statement of estimated requirements, etc

60251. The board shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the district, and within a reasonable time previous to the time when the board of supervisors is required by law to fix its tax rate, the board shall certify to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any bonded debt of the district as it becomes due; (b) a statement that the entire district was benefited by incurring the bonded indebtedness; (c) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the district.

Tax levy

60252. The board shall direct that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy, in addition to such other tax as may be levied by such board of supervisors, at the rate or rates so fixed and determined by the board, a tax upon the real property and improvements thereon, but not on personal property within the district, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required.

Tax for payment of interest, etc

60253. Taxes for the payment of the interest on or principal of any bonded debt shall be levied on the real property and improvements thereon, but not on personal property within the district, as determined by the board in the resolution declaring the necessity to incur the debt.

Tax for other purposes

60254. Taxes for other purposes of the district shall be levied on all real property and improvements thereon, but not on personal property in the district.

Procedure

60255. It shall be the duty of all county officials charged with the duty of collecting taxes to collect the taxes provided

for herein in time, form and manner as county taxes are collected, and when collected pay the same to the district.

Tax lien

60256. All taxes provided for herein shall be a lien on all the real property and improvements thereon, but not on personal property within the district, and their collection may be enforced by the same means as provided for in the enforcement of liens for state and county taxes.

Mineral rights

60257. When mineral rights are assessed separately from other rights in any parcel of real property no tax shall be levied under this division upon such mineral rights and any such tax shall be levied upon such real property exclusive of such mineral rights.

CHAPTER 4. BONDS

Bonds Resolution of necessity, etc

60270. Whenever the board deems it necessary for the district to incur a bonded indebtedness, the board shall, by resolution, so declare and state the purpose for which the proposed debt is to be incurred, the amount of debt to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; the maximum rate of interest to be paid, which shall not exceed 5 percent per annum, and the measure to be submitted to the voters.

Election

60271. The board shall fix a date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred.

Applicable laws

60272. It shall be the duty of the board to provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided

Notice

60273. Such board shall give notice of the holding of such election, which notice shall contain the text of the resolution adopted by the board of the district, the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

Consolidation

60274. In case such election is consolidated with a state or county election, the precincts, polling places, and election officers shall be the same as provided for such state or county election, and it shall be sufficient if the resolution and notice so state.

Publication of notice

60275. Such notice shall be published once each week for two weeks, the last publication to be made not less than two weeks nor more than four weeks prior to the date of the proposed election, in at least one newspaper, and not more than three newspapers, published in such district, which newspaper or newspapers shall be designated by the board. If there is no newspaper published in such district, then such notice shall be posted in three public places in such district not less than two weeks nor more than four weeks prior to the date of the proposed election, in each affected county.

Expenses

60276. All the expenses of holding such election shall be borne by the district.

Canvass of returns

60277. The returns of such election shall be made, the votes canvassed by said board within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided.

Statement of results

60278. The secretary of the board, as soon as the result is declared, shall enter in the records of such board a statement of such results.

Irregularities, etc

60279. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Actions to determine validity

60280. Any action or proceeding, wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

Two-thirds vote

60281. If from such returns it appears that more than two-thirds of the votes cast at such election held pursuant to the provisions of this chapter were in favor of and assented to the incurring of such indebtedness, then the board may, by resolution, at such time or times as it deems proper, provide for the form and execution of such bonds and for issuance of any part thereof, and may sell or dispose of the bonds so issued at such times or in such manner, either for cash in lawful money of the United States or its equivalent, as it may deem to be to the public interest.

Force, etc., of bonds

60282. Any bonds issued by any district are hereby given the same force, value and use as bonds issued by any city and shall be exempt from all taxation within the State of California.

PART 6. WATER REPLENISHMENT ASSESSMENT

CHAPTER 1. SURVEY

Survey and report

60300. Not later than the second Tuesday in February each year the board shall order an engineering survey and report to be made regarding the ground water supplies of the district. The same shall include, among all other information and data which the board may require, the following:

Contents

(1) Records, data and other information for the consideration of the board in its determination of the annual overdraft;

(2) Records, data and other information for the consideration of the board in its determination of the accumulated overdraft as of the last day of the preceding water year;

(3) A report, with supporting data, as to the total production of ground water from the ground water supplies within the replenishment district during the preceding water year;

(4) A report, with supporting data, as to the changes during the preceding water year in the pressure-levels or piezometric heights of the ground water contained within pressure-level areas of the replenishment district, and as to the effects thereof upon the ground water supplies within such replenishment district;

(5) An estimate of the annual overdraft for the current water year and for the ensuing water year;

(6) An estimate of the accumulated overdraft as of the last day of the current water year;

(7) An estimate of the total production of ground water from the ground water supplies within the replenishment district for the current water year and for the ensuing water year;

(8) An estimate of the changes during the current water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the replenishment district, and of the effects thereof upon the ground water supplies within such replenishment district;

(9) An estimate of the quantity, source, and cost of water available for replenishment of the ground water supplies during the ensuing water year under the provisions of Section 60315;

(10) A recommendation as to the quantity of water which should be purchased for replenishment of the ground water supplies within the replenishment district during such ensuing water year;

(11) An estimate of the costs of replenishing such ground water supplies with such water so purchased;

(12) An estimate of the rate of the replenishment assessment required to be levied upon the production of ground water from the ground water supplies within the replenishment district during the ensuing fiscal year for the purpose of accomplishing such replenishment.

CHAPTER 2. HEARINGS

Resolution of method, etc., for raising funds

60305. On or before the second Tuesday in March of each year, and provided the survey and report called for by Section 60300 has been made, the board, by resolution, shall declare whether funds shall be raised to purchase water for replenishment during the next ensuing fiscal year and whether such funds shall be raised either by (a) a water charge, as provided in Chapter 2 of Part 5 hereof, (b) a general assessment, as provided in Chapter 3 of Part 5 hereof, (c) a replenishment assessment as in this Chapter 2 of Part 6 provided, or (d) a combination of any two or more subdivisions (a), (b) and (c) of this section and whether the funds so to be raised, whether by a water charge, a general assessment, a replenishment assessment or a combination of any such means, will benefit, directly or indirectly, all of the persons or real property and improvements within the district.

Hearing Notice of replenishment assessment

60306. If the board, by resolution, determines that all or a portion of the funds needed to purchase replenishment water shall be raised by the levy of a replenishment assessment, then the board shall immediately publish in a newspaper of general circulation in each affected county a notice that a public hearing will be held on the second Tuesday of April for the purpose of determining whether and to what extent the estimated cost of purchasing water for replenishment for the ensuing year shall be paid for by a replenishment assessment. Such notice shall invite inspection of the engineering survey and report upon which the board acted, a copy of said board's resolution, the time and place of said hearing, and an invitation to all interested parties to attend and be heard in support of or opposition to said proposed assessment, the engineering survey and report, and the board's determination, and such notice shall be published at least once 10 days before said hearing date.

Procedure

60307. Said hearing shall be held before the board and a quorum shall be present. The hearing may be adjourned from time to time by the president or presiding officer or hearing officer but shall be completed by the first Tuesday in May next following.

Presiding officer

60308. The board may appoint a qualified registered engineer familiar with water problems as a hearing officer to conduct said hearing.

Evidence

60309. All evidence relevant to the engineering survey and report and the board's determination that such a replenishment assessment shall be levied may be introduced.

CHAPTER 3. FINDINGS AND ORDER

Findings

60315. Upon completing said hearing, but no later than the second Tuesday in May, the board shall, by resolution, find:

(1) The annual overdraft for the preceding water year;

(2) The estimated annual overdraft for the current water year;

(3) The estimated annual overdraft for the ensuing water year;

(4) The accumulated overdraft as of the last day of the preceding water year;

(5) The estimated accumulated overdraft as of the last day of the current water year;

(6) The total production of ground water from the ground water supplies within the replenishment district during the preceding water year;

(7) The estimated total production of ground water from the ground water supplies within the replenishment district for the current water year;

(8) The estimated total production of ground water from the ground water supplies within the replenishment district for the ensuing water year;

(9) The changes during the preceding water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the replenishment district, and the effects thereof upon the ground water supplies within such replenishment district;

(10) The estimated changes during the current water year in the pressure levels or piezometric heights of the ground water contained within pressure-level areas of the replenishment district, and the estimated effects thereof upon the ground water supplies within such replenishment district;

(11) The quantity of water which should be purchased for the replenishment of the ground water supplies of the replenishment district during the ensuing water year;

(12) The source and estimated cost of water available for such replenishment;

(13) The estimated costs of replenishing such ground water supplies with such water so purchased;

(14) The estimated rate of the replenishment assessment required to be levied upon the production of ground water from the ground water supplies within the replenishment district during the ensuing fiscal year for the purpose of accomplishing such replenishment.

Determination

60316. Based on such findings the board shall, by resolution, determine what portion, if any, of the estimated cost of purchasing water for replenishment for the ensuing fiscal year shall be paid for by a replenishment assessment.

Levy of replenishment assessment

60317. If the board determines that a replenishment assessment should be levied upon the production of ground water from ground water supplies within the replenishment district during the ensuing fiscal year, then immediately following the making of such determination said board shall levy a replenishment assessment on the production of ground water from the ground water supplies within the replenishment district during the fiscal year commencing on July 1st next, and such replenishment assessment shall be fixed by said board at a uniform rate per acre-foot of ground water so produced. The producers of such ground water shall pay such replenishment assessment to the replenishment district at the times and in the manner hereinafter in this act provided.

Chapter 4. Collection of Assessments

Notice of levy of replenishment assessment

60325. The district, after the levying of the replenishment assessment, shall give notice thereof to the operators of all water-producing facilities in the district as disclosed by the records of such district, which notice shall state the rate of replenishment assessment for each acre-foot of ground water to be produced during the ensuing fiscal year. The notice may be sent by postal card or by other first-class mail with postage prepaid by the district.

Information ground water production statement

60326. Within ninety (90) days after the adoption of the resolution of the board provided in Section 60305, the oper-

ator of each water-producing facility within such district shall file with it an information ground water production statement. Such statement shall contain, in addition to such other information as the district may require, an estimate of the total production of ground water from such water-producing facility for the preceding water year, an estimate of the production of ground water from such water-producing facility for the current water year, an estimate of the production of ground water from such water-producing facility for the ensuing water year, and information as to the method or basis of making such estimates.

Statement of production etc

Thereafter, the operator of each water-producing facility within the district, on or before the last day of the month immediately following the respective quarterly periods ending March 31st, June 30th, September 30th, and December 31st of each year, shall file with the district a sworn statement setting forth the total production in acre-feet of ground water from such water-producing facility during the respective quarterly periods immediately preceding the filing of the respective statements, a general description or number locating such water-producing facility, and the method or basis of the computation of such ground water production. Each statement also shall contain such other information as the district may require. The first such statement required to be filed after the formation of such district shall cover the first calendar quarter commencing not less than thirty (30) days after such formation.

Computation and payment

60327. Any replenishment assessment levied pursuant to this act shall be due and payable to the district by each producer in quarterly installments on the last day for filing the statement of the production of ground water from the water-producing facility operated by such producer during the quarterly period required to be covered by such statement. The amount so due and payable shall be computed by multiplying the production in acre-feet of ground water so produced from such water-producing facility, as reported in such statement, by the rate of the replenishment assessment fixed and levied by the board of the district for the fiscal year in which such production shall occur.

CHAPTER 5. PENALTIES AND EXEMPTIONS

Interest on delinquencies

60335. If any producer shall fail to pay a replenishment assessment when due, the board of the district may charge interest at a rate not to exceed 1 percent per month on the delinquent amount of the assessment.

Penalty charge

60336. Should any operator of a water-producing facility fail to register his water-producing facility or fail to file the ground water production statement, the district, in addition to charging interest as provided above, may assess a penalty charge against such operator in an amount not to exceed 10 percent of the amount of the replenishment assessment found

by the district to be due with respect to the production of ground water from such water-producing facility.

Exemptions

60337. The board, at the time of fixing the replenishment assessment rate, may provide by resolution that any producer operating a water-producing facility having a discharge opening not greater than two inches in diameter and providing ground water for domestic or irrigation uses on an area not exceeding one acre in extent, shall pay the amount fixed in such resolution as the replenishment assessment to be paid by such producer. No sworn statement as to the production of ground water from such water-producing facility need be filed

Amendment or correction

60338. Upon good cause shown, an amended statement of ground water production may be filed or a correction of the records may be made at any time prior to the final date for filing the next quarterly ground water production statement.

Temporary restraining orders

60339. The superior court of the county in which the major portion of the district lies may issue a temporary restraining order upon the filing by the district with the court of a verified petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the district or that such defendant is delinquent in the payment of a replenishment assessment. Such temporary restraining order shall be returnable to the court on or before ten (10) days after its issuance.

Injunctions

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

Service of process

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

Procedure

The right to proceed for injunctive relief as provided herein shall be in addition to any other right which may be provided elsewhere in this act or which may be otherwise allowed by law. The procedure provided in Part 2, Title 7, Chapter 3 of the Code of Civil Procedure regarding injunctions shall be followed except insofar as it may be otherwise provided herein. The replenishment district shall not be required to furnish an undertaking or bond as a condition to the granting of injunctive relief.

Investigation of believed excess production, etc

60340. If the board of a district shall have probable cause to believe that the production of ground water from any water-producing facility is in excess of that disclosed by the sworn statements covering such water-producing facility, or if no statements are filed covering a water-producing facility, the board of such district may cause an investigation and report to be made concerning the production of ground water from such water-producing facility. The board of the district may fix the amount of ground water production from any such water-producing facility at an amount not to exceed the maximum production capacity of such water-producing facility; provided, however, where a water-measuring device is permanently attached thereto, the record of production as disclosed by such water-measuring device shall be presumed to be accurate and the burden is upon the district to establish to the contrary.

Notice of determination

After such determination has been made by the board of the district, a written notice thereof shall be mailed to the operator of such water-producing facility at his address as shown by the district's records. Any such determination made by the district shall be conclusive on the operator, and on any producer producing water from such water-producing facility, and the replenishment assessment based thereon, together with interest and penalties, shall be payable forthwith, unless such operator or producer shall file with the board of directors of the district within ten (10) days after the mailing of such notice a written protest setting forth the ground or grounds for protesting the amount of production so fixed or the replenishment assessment, interest, and penalties so levied thereon. Upon the filing of such protest, said board shall hold a hearing at which time the total amount of the ground water production and the replenishment assessment thereon shall be determined, and the interest and penalties fixed, which action shall be conclusive if based upon substantial evidence. A notice of such hearing shall be mailed to protestant at least 10 days before the date fixed for the hearing. Notice of the determination by the board shall be mailed to each protestant. The producer shall have 20 days from the date of mailing of such notice to pay the replenishment assessment, interest and penalties so fixed by the board.

Suit for collection of delinquency

60341. The district may bring a suit in the court having jurisdiction against any producer of ground water from the ground water supplies within the district for the collection of any delinquent replenishment assessment. The court having jurisdiction of the suit may, in addition to allowing recovery of costs to the district as allowed by law, fix and allow as part of the judgment, interest and penalties as provided in Sections 60335 and 60336. Should the district seek an attachment against the property of any named defendant therein, the district shall not be required to furnish bond or other undertaking as provided in Part 2, Title 7, Chapter 4 of the Code of Civil Procedure.

60342. It shall be unlawful to produce ground water from any water-producing facility within any district from and after one year following the adoption of the resolution provided for in Section 60305 hereof, unless such water-producing facility shall have a water-measuring device affixed thereto capable of registering the accumulated amount of ground water produced therefrom. Water-measuring device required

The board by resolution may extend such date on a year-to-year basis upon its determination that availability, price of water measuring devices, or other circumstances justify such extension. Should the date be extended, notice thereof shall be given by publication in a newspaper of general circulation in the district once a week for two successive weeks, such publication to be completed not less than two months prior to the date so extended. Extension of date

This section shall not be applicable to any operator of a water-producing facility having a discharge opening two inches or less in diameter and providing ground water for domestic or irrigation uses on an area not exceeding one acre in extent, who is required to pay a replenishment assessment in an amount fixed by resolution of the board of the district as hereinabove in this act provided. Exemption

Violation of this section shall be punishable by a fine not to exceed five hundred dollars ($500), or by imprisonment in the county jail for not to exceed six (6) months, or by both such fine and imprisonment. Each day of operation of a water-producing facility in violation hereof shall constitute a separate offense. Penalty

CHAPTER 6. ADJUDICATION

60350. In the event of an adjudication of all or substantially all of the rights to extract ground water and a determination of the natural safe yield of the ground water supplies within the district, and a determination of the amount or extent to which the rights to extract ground water so adjudicated may be exercised without exceeding the natural safe yield of such ground water supplies, the board of such district shall recognize such judicial determination by exempting from replenishment assessments the amount of water pumped by each person whose rights have been so adjudicated which does not exceed his proportionate share of the natural safe yield of the ground water supplies of the district, as so adjudicated from time to time by the court having jurisdiction over such adjudication proceeding. The replenishment assessment shall thenceforth be levied on each producer by multiplying the production in acre-feet of ground water so produced by such producer's water-producing facility in excess of his said adjudicated share of the natural safe yield by the rate of the replenishment assessment fixed and levied by the board for the fiscal year in which such production shall occur. Effect of adjudication

No right in replenished ground waters

60351. To the extent that ground water supplies are replenished under this act no person shall acquire any property or other right in the waters distributed by the district for replenishment purposes.

Benefit to excess producers

60352. To the extent that the replenishment assessment after adjudication hereunder shifts from all producers to those who extract water in excess of their respective shares of the natural safe yield of the ground water supplies within the district as so adjudicated, such replenishment assessment shall be deemed to benefit those persons who continue to pump and extract ground water in excess of their adjudicated shares of the natural safe yield. Inasmuch as such persons must buy supplemental water or be in contempt of the court's order limiting their extraction of ground water, they shall be deemed to benefit by the payment of a replenishment assessment which is used to purchase water to supplement the natural supplies of ground water available for use.

PART 7. CHANGES IN ORGANIZATION

CHAPTER 1. INCLUSION

Annexable territory

60370. Any territory including unincorporated territory or incorporated territory or a part of either, and lying within one or more counties of this State may be annexed to a water replenishment district under the provisions of this part.

Annexation petition Filing

60371. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the district, signed by registered voters residing within the boundaries of the area proposed to be annexed equal in number to at least 10 per centum of the number of such voters residing within the area so proposed to be annexed.

Description, etc

60372. Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to such district.

Publication of text

60373. The text of such petition shall be published once a week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time at which the same is to be presented to the board of the district in at least one, but not to exceed three, newspapers printed and published in such affected county, together with a notice stating the time of the meeting at which the same will be presented. When contained upon one or more instruments, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated.

Examination

60374. Within 10 days of the date of filing of such petition the secretary of the district shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters.

Certificate

60375. When the secretary of the district has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of voters or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

Same

60376. If, by the certificate of the secretary of the district, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate.

Same. Supplemental petition

60377. The secretary of the district shall, within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

Insufficient petition

60378. If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of the district and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect, but if, by the certificate of the secretary, such petition, or petition as amended, is shown to be sufficient, the secretary shall present the same to the board without delay.

Signatures on supplemental petition

60379. If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

Sufficiency of petition

60380. After an election for the annexation of such area to the district the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Grant of petition

60381. Such petition may be granted by ordinance of the board of such district. No petition for inclusion may be granted unless and until the board finds that the persons and property within the territory proposed to be included will benefit directly or indirectly from the use of or right to use the ground water supplies within the district and the replenishment thereof. The petition may be granted in its entirety or only as to the part of the territory proposed to be included for which such a finding of benefit is made. If the petition be denied, either as to the whole or part of the territory to be included, no new petition for the inclusion of such territory shall be filed within six months after such denial. In granting such petition, such board of directors may fix in said ordinance the terms and conditions upon which such annexation may occur, and such terms and conditions may provide, among other things, for the levy by such district of special taxes upon the real property and improvements thereon, but not on personal property within such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by such district, and in case such terms and conditions shall provide for the levy of such special taxes, the board, in fixing such terms

and conditions, shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed.

Election on petition

60382. If such petition is granted, the proposition of such annexation subject to the terms and conditions so fixed, shall be submitted to the vote of the voters in the proposed addition, at an election called by the board and held, as herein provided, within 70 days after the effective date of such ordinance.

Notice of election

60383. Notice of such election shall be given by publication in a newspaper of general circulation published in the affected county once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week prior to the date fixed for such election. Such notice shall describe the boundaries of the area or areas so proposed to be annexed and shall designate such territory by some appropriate name, or other words of identification, by which such territory may be referred to and indicated upon the ballot to be used at any election at which the question of such annexation is submitted, as in this act provided.

Same

60384. Such notice also shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided.

Ballot

60385. The measure so submitted at such election shall be stated on the ballot substantially as follows: "Shall _____ (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to _____ (name of water replenishment district) subject to the terms and conditions fixed by the board of directors of said district?" At the right of such proposition there shall be printed the words "yes" and "no" with voting squares.

Canvass and certification of approval

60386. The board shall canvass the votes cast at such election and, if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State and to the county recorder of each affected county in which such district is located.

Secretary of State's certificate

60387. Upon receipt of such last-mentioned certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the addition of said area or areas to said district. A copy of said certificate shall be transmitted to, and filed with, the county clerk of each affected county in which such district is situated.

Annexation completed

60388. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, said district, and the taxable property therein shall be subject to taxation thereafter for the purposes of said district, including the payment of bonds and other obligations of such district at the time authorized or outstanding, and the board of the district shall be empowered to

do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

CHAPTER 2. EXCLUSION

Exclusion of territory

60400. Territory included within any district may be excluded from such district and the parcels so to be excluded need not be contiguous one with the other.

Exclusion petition Filing

60401. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the district, signed by voters residing within the boundaries of the area proposed to be excluded equal in number to at least ten (10) per centum of the number of such voters voting for all candidates for the Office of Governor of this State at the last general election prior to the filing of such petition.

Description, etc

60402. Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, and shall contain a prayer that such area be excluded from the district.

Examination

60403. Within ten (10) days of the date of the filing of such petition the secretary of the district shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters.

Certificate

60404. When the secretary of the district has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

Same

60405. If, by the certificate of the secretary of the district, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within ten (10) days of the date of such certificate. The secretary of the district shall, within ten (10) days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

Signatures on supplemental petition

60406. If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

Insufficient petition

60407. If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of the district and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect, but if, by the certificate of the secretary, such petition, or petition as amended, is shown to be sufficient, the secretary shall present the same to the board without delay.

Publication of text

60408. The text of such petition shall be published once each week for at least two weeks, the last publication to be

made not less than one week, nor more than four weeks, before the time at which the same is to be presented to the board of the district in at least one, but not to exceed three, newspapers printed and published in such district, together with a notice stating the time of the meeting at which the same will be presented. When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

Sufficiency of petition

60409. After an election for the exclusion of such area from the district the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Resolution of exclusion

60410. The board of any district, by resolution, may initiate proceedings for the exclusion of territory from such district. Such resolution shall describe the boundaries of the area proposed to be excluded, shall state that neither the persons nor property within the area proposed to be excluded benefit directly or indirectly from the use of or right to use the ground water supplies within the district and the replenishment thereof, shall require all persons interested in the proposed exclusion to appear before the board and be heard as to why said area should not be so excluded, shall fix the time of the meeting of the board at which the persons so interested will be heard, and shall direct the secretary of the district to give notice thereof. The secretary thereupon shall cause the text of said resolution and a notice of the time and place of said hearing to be published once each week for at least two weeks, the last publication to be made not less than one week, nor more than four weeks, before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers printed and published in the district.

Sufficiency of resolution

60411. After an election for the exclusion of such area from the district the sufficiency of such resolution shall not be subject to judicial review or be otherwise questioned.

Grant of petition

60412. If the proceedings for exclusion have been initiated by petition, such petition may be granted by ordinance of the board of directors of such district. If such proceedings have been initiated by resolution, the board shall hear all persons interested in the proposed exclusion who appear at the hearing, which may be adjourned from time to time, and after the conclusion of the hearing, the board may determine by ordinance that such area should be excluded from the district. No petition for exclusion may be granted and no ordinance of exclusion adopted by the board if such proceedings have been initiated by resolution unless and until the board finds that neither the persons nor property within the area proposed to be excluded benefit directly or indirectly from the use of or right to use the ground water supplies within the district and the replenishment thereof.

Election

60413. If such petition is granted, or if such determination is made, the proposition of such exclusion shall be submitted

to the vote of the voters within the area proposed to be excluded, at an election called by the board and held, as herein provided, within 70 days after the effective date of such ordinance.

Notice

60414. Notice of such election shall be given by publication in a newspaper of general circulation published in the district once a week for three successive weeks, the last publication to be not more than four weeks, nor less than one week, prior to the date fixed for such election. Such notice shall describe the boundaries of the area so proposed to be excluded and shall designate such area by some appropriate name, or other words of identification, by which such area may be referred to and indicated upon the ballot to be used at any election at which the question of such exclusion is submitted, as in this act provided. The measure so submitted at such election shall be stated on the ballot substantially as follows:

Ballot

"Shall _____ (giving the name or other designation of the area proposed to be excluded, as stated in the notice of election) be excluded from _____ (name of water replenishment district)?" At the right of such proposition there shall be printed the words "yes" and "no" with voting squares.

Certification of approval

60415. The board shall canvass the votes cast at such election and, if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board shall certify that fact to the Secretary of State and to the county recorder of each affected county in which the district is located.

Secretary of State's certificate

60416. Upon receipt of such last-mentioned certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area from the district. A copy of said certificate shall be transmitted to, and filed with, the county clerk of each affected county in which such district is situated.

Exclusion completed

60417. From and after the date of such certificate, the area named therein shall be deemed excluded from, and shall no longer form a part of, said district, but the taxable property within such excluded area shall continue taxable by such district for the purpose of paying the bonded or other indebtedness of such district outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred.

CHAPTER 3. DISINCORPORATION

Disincorporation Petition

60430. A petition may be filed with the county clerk of the principal county in which such district is located, signed by at least 25 percent of the voters of the district applying for disorganization and disincorporation of such district, and briefly stating the reasons therefor.

Examination of petition

60431. Upon the filing of such petition the county clerk shall examine the same within 10 days and ascertain whether or not said petition is signed by the requisite number of voters.

Certificate of examination of petition

60432. When the county 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 voters residing within the boundaries of such district, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

Sufficiency of petition

60433. After an election for the disincorporation of a district hereunder the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Election

60434. If by the certificate of the county clerk such petition is shown to be sufficient, the county clerk of the principal county shall present the same to the board of supervisors of the principal county without delay. When such petition is presented by the county clerk as aforesaid, the board of supervisors shall give notice of an election to be held in said district for the purpose of determining whether or not the same shall be disincorporated and dissolved; provided, however, that in the event the said district shall have issued bonds, the board of supervisors shall not consider said petition or take any action hereunder until evidence shall be furnished showing said bonds to have been fully satisfied.

Notice

60435. Said notice of election shall be published in a newspaper published in said district and determined by said board most likely to give notice to those interested in said hearing, at least once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week prior to the date fixed for the election; said notice shall state that the question of disincorporating said corporation shall be submitted to the voters of said district at the time appointed for such election, and voters shall be invited thereby to vote upon the proposition by placing upon their ballots the cross as provided by law after the words "for disincorporation" or "against disincorporation."

Same

60436. The board of supervisors shall cause a copy of said notice to be mailed by the clerk of said board to each of the directors of said district, within five days after the date of the first publication thereof, and no election shall be had until proof of such mailing is furnished by affidavit of the clerk of said board.

Procedure

60437. Such election shall be held and conducted in the same manner as the election on the organization of said district, as nearly as practicable.

Less than majority vote

60438. Within seven days after the date of said election, the board of supervisors shall proceed to canvass the vote cast thereat; if it be found by the canvass of said votes that less than a majority of the votes cast were in favor of disincorpora-

tion, said board of supervisors shall declare the petition for disincorporation denied.

Majority vote

60439. In case it should appear from said canvass of said votes that a majority of all the votes cast were in favor of disincorporation, said board of supervisors shall make and cause to be entered upon the records of their proceedings an order that the petition for such disincorporation be granted, and declaring that such water replenishment district be disincorporated; said order to take effect at the time hereinafter provided.

Certificate of disincorporation

60440. Said board of supervisors shall in case said district is so disincorporated, forthwith cause its clerk, or other officer performing the duties of clerk, to make and transmit to the Secretary of State a certified copy of the notice of election hereinbefore provided for, and a statement of the number of voters voting against said disincorporation.

Disincorporation completed

60441. Twenty days from and after the holding of the election, in case a majority of said votes were cast in favor of said disincorporation, said district shall be forever disincorporated.

Statement of indebtedness

60442. Upon the disincorporation of any district in the manner hereinbefore provided for, the board of supervisors shall forthwith, after ascertaining by said canvass that the disincorporation has been carried, determine the amount of the indebtedness of said district, the amount of money in the treasury thereof and all indebtedness due or coming due the said district, and the directors of said district shall furnish the said board of supervisors with a statement showing said amount of indebtedness, the said amount of money in the treasury and all indebtedness due or coming due said district, and said district shall before the expiration of 30 days turn over to the treasurer of said county all moneys of said district in his possession, and said county treasurer shall place said money in a special fund to be drawn upon as hereinafter provided for.

Disposition of moneys

Disposition of property

60443. Upon the disincorporation of said district every public officer of said district shall immediately turn over to the board of supervisors of the principal county in which said district is situated, all public property of every nature and description in their possession, and including all public records and data of every nature and description.

Liability not relieved

60444. Nothing contained in this act shall be held to relieve said district, or the territory included within it, from any liability or any debt contracted by said district prior to its disincorporation.

Warrants for indebtedness

60445. All warrants for said indebtedness shall be drawn on order of the board of supervisors of the principal county in which said district is situated, on the fund hereinabove provided for in the county treasury.

Special fund

60446. All moneys paid into the county treasury under the provisions of this act shall be placed in the special fund hereinbefore provided for. If at any time after the disincorpo-

ration of said district it shall be found that there is not sufficient money in the treasury to the credit of the fund hereinbefore provided, with which to pay any indebtedness of said district, said board of supervisors shall have the power, and it shall be their duty, to levy upon, and there shall be collected from, the property within the territory formerly included within said district subject to taxation for the indebtedness, a tax or taxes sufficient in amount to pay the said indebtedness as the same shall become due; such tax or taxes, assessments and collections shall be made in the same manner and at the same time that other taxes of each affected county are levied and collected, and they shall be an additional tax within said territory for the payment of said debts.

Surplus

60447. If after payment of all debts of said district there shall remain any surplus in the hands of said county treasurer to the credit of the fund hereinbefore mentioned, the board of supervisors shall appropriate said surplus and declare a dividend pro rata to the taxpayers of said district duly paid, and said taxpayers shall have the right to have the amount of such pro rata dividends refunded to them on demand, and the said board of supervisors shall refund such pro rata to said taxpayers and each thereof.

Ascertainment, collection, etc., of indebtedness

60448. The board of supervisors of the principal county in which any such district has been disincorporated, shall have the power and it shall be the duty of said board, if the board of directors of such district shall fail or refuse to return to said board the statement of said amounts as hereinbefore in this act provided, to ascertain the indebtedness, other than the bonded indebtedness, of said district at the time of its disincorporation, the amount of money in its treasury and the amount due it at the said time; said board of supervisors shall make provision for the collection of the amounts due to said district, for the closing up of its affairs, and any act or acts necessary for said purposes not otherwise herein provided for, shall upon the order of said board of supervisors directing the same, be as fully done and performed and with as full effect as if the same had been performed by the proper officers of said district before disincorporation, and said county shall succeed to and possess all the right of said district in and to said indebtedness, and shall have the power to sue for or otherwise collect any such debts in the name of said county, and all costs and expenses of ascertaining the facts hereinbefore mentioned, and all other costs and expenses incurred by the board of supervisors in the execution of the orders and duties of said board of supervisors provided for in this act, shall be paid out of the special fund in this act provided for.

Legislative intent

60449. It is the intent of the Legislature that no district shall be disincorporated until all bonded indebtedness shall have been fully paid, and by the word "indebtedness" as used herein is meant all indebtedness other than said bonded indebtedness unless the latter is expressly used.

CHAPTER 1515

An act to amend Sections 8506, 8516, 8517, and 8526 of, and to add Section 8531.5 to, the Business and Professions Code, relating to structural pest control.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 8506 of the Business and Professions Code is amended to read:

"Structural pest control operator"

8506. (a) "Structural pest control operator" is any person licensed by the board to practice structural pest control and who does so for hire as a business.

A structural pest control operator may secure structural pest control work, identify infestations or infections, make inspections, submit bids or otherwise contract for pest control work. A structural pest control operator may hire field representatives to represent the operator in the securing of pest control work. A pest control operator may hire or employ individuals who are not licensed under this chapter to perform work on contracts covering wood-destroying organisms only after an operator or field representative has fully completed the negotiation or signing of the contract covering a given job.

A pest control operator may hire and use individuals who are not licensed under this chapter on service contracts already established.

An operator may enter the employ of another operator and while in such employ may engage in pest control only on behalf of his employer except as provided in subparagraph (c) of this section.

"Operator"

(b) As used in this chapter, "operator" refers to "structural pest control operator."

Conduct of business on death of licensee

(c) In the event of death of a licensee, the executor or administrator of the deceased person may obtain from the board written authorization for such executor or administrator to conduct the business of such deceased licensee for a period not to exceed one year after the date of death for the purpose of winding up or disposing of the structural pest control business of the deceased licensee; but such authorization shall not entitle such executor or administrator to solicit, engage in, or undertake any structural pest control work not already contracted for by such deceased licensee unless a properly classified and licensed operator is employed to manage, supervise, and direct the business. Notwithstanding any limitation in subparagraph (a) of this section, an operator may be employed concurrently by an executor or administrator under this subparagraph and by another licensee.

SEC. 2. Section 8516 of said code is amended 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 commenced. When an inspection is made and a report is issued, the following shall be set forth in the report:

Report

1. The date of the inspection and the name of the person making 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.

Control service

(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. 3. Section 8517 of said code is amended to read:

Documents re wood destroying pests

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 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. 4. Section 8526 of said code is amended to read:

Compensation

8526. 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. Each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his duties whenever he may be directed by the board to perform such duties

SEC. 5. Section 8531.5 is added to said code, to read:

Transcript of meetings

8531.5. The board shall prepare a complete transcript of its annual meeting and any special meetings, which together with the minutes of such meetings shall be permanently maintained at the office of the registrar and open to public inspection during office hours.

CHAPTER 1516

An act to amend Section 25755 of the Business and Professions Code, relating to administration and enforcement of laws.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 25755 of the Business and Professions Code is amended to read:

25755. The director and the persons employed by the department for the administration and enforcement of this division have all the powers of peace officers in the enforcement of the penal provisions of this division, the rules of the board adopted under the provisions of this division, and any other penal provisions of law of this State prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding, or mislabeling of alcoholic beverages or intoxicating liquors, and such persons have all the powers of peace officers in the enforcement of any penal provisions of law while they are in, on, or about any licensed premises in the course of their employment.

CHAPTER 1517

An act to amend Section 5004 of the Public Utilities Code, relating to regulation of related business by the Public Utilities Commission.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 5004 of the Public Utilities Code is amended to read:

5004. The following fees shall be paid to the commission, pursuant to permits issued under the Highway Carriers' Act and the City Carriers' Act.

One hundred dollars ($100) for filing each application for a permit.

Twenty-five dollars ($25) for filing each application to sell, mortgage, lease, assign, transfer, or otherwise encumber any permit.

CHAPTER 1518

An act to amend Section 4141 of the Public Utilities Code, relating to the regulation of city carriers.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 4141 of the Public Utilities Code is amended to read:

4141. Every carrier and every officer, director, agent, or employee of any carrier who violates or who fails to comply with, or who procures, aids, or abets any violation by any such carrier of any provision of this chapter, or who fails to obey, observe, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or of any operating permit issued to any carrier, or who procures, aids, or abets any carrier in its failure to obey, observe, or comply with any such order, decision, rule, regulation, direction, demand, requirement, or operating permit, is guilty of a misdemeanor, and is punishable by fine of not more than five hundred dollars ($500) or by imprisonment in the county jail for not more than three months, or both.

CHAPTER 1519

An act to add Section 54 to the Elections Code, and to amend Section 411 of the Code of Civil Procedure, relating to the designation of the Secretary of State or a county clerk as agent for service of process by all candidates for public office.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 54 is added to the Elections Code, to read:

Service of process on candidates

54. Whenever any candidate files a declaration of candidacy, nomination paper, affidavit of acceptance of sponsor's declaration, acceptance of nomination or any other paper evidencing an intention to be a candidate for any public office at any election in this State with either the Secretary of State or a county clerk, he shall by such filing irrevocably appoint the Secretary of State or the county clerk with whom the filing is made and their successors in office his attorneys upon whom all process in any action or proceeding against him arising out of or in connection with any matters concerning his candidacy or the election laws may be served with the same effect as if the candidate had been lawfully served with process. Such appointment shall continue until the day of election.

If in any action or proceeding arising out of or in connection with any matters concerning his candidacy or the election laws it is shown by affidavit to the satisfaction of a court or judge that personal service of process against the candidate cannot be made with the exercise of due diligence, the court or judge may make an order that the service be made upon the candidate by delivering by hand to the Secretary of State or the county clerk appointed as his attorney for service of process, or to any person employed in his office in the capacity of assistant or deputy, one copy of the process for the defendant to be served, together with a copy of the order authorizing such service. Service in this manner constitutes personal service upon the candidate. The Secretary of State and the county clerks of all counties shall keep a record of all process served upon them under this provision, and shall record therein the time of service and their action with reference thereto.

Upon the receipt of any such service of process the Secretary of State or the county clerk shall immediately give notice of the service of the process to the candidate by forwarding the copy of the process to the candidate at the address shown on his declaration, nomination paper, affidavit, acceptance or other evidence of intention to be a candidate filed with such officer, by special delivery registered mail with request for return receipt.

SEC. 2. Section 411 of the Code of Civil Procedure is amended to read:

Service of summons

411. The summons must be served by delivering a copy thereof as follows:

Domestic corporation

1. If the suit is against a domestic corporation: to the president or other head of the corporation, a vice president, a secretary, an assistant secretary, general manager, or a person designated for service of process or authorized to receive service of process. If such corporation is a bank, to any of the foregoing officers or agents thereof, or to a cashier or an assistant cashier thereof. If no such officer or agent of the corporation can be found within the State after diligent search, then to the Secretary of State as provided in Sections 3301 to 3304, inclusive, of the Corporations Code, unless the corporation be of a class expressly excepted from the operation of those sections.

Foreign corporation

2. If the suit is against a foreign corporation, or a nonresident joint stock company or association, doing business in this State; in the manner provided by Sections 6500 to 6504, inclusive, of the Corporations Code.

Minors

3. If against a minor, under the age of 14 years, residing within this State: to such minor, personally, and also to his father, mother, or guardian; or if there be none within this State, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed.

Incompetent persons

4. If against a person residing within this State who has been judicially declared to be of unsound mind, or incapable of conducting his own affairs, and for whom a guardian has been appointed: to such person, and also to his guardian.

City or county

5. If against a county, city or town: to the president of the board of supervisors, president of the council or trustees, or other head of the legislative department thereof.

Corporation whose charter is forfeited

6. In all cases where a corporation has forfeited its charter or right to do business in this State, or has dissolved, by delivering a copy thereof to one of the persons who have become the trustees of the corporation and of its stockholders or members; or, in a proper case, as provided in Sections 3305 and 3306 of the Corporations Code.

State board or commission

7. In an action or proceeding authorized by law against a state board or commission, to the president, chairman, or other head of or to the secretary of said board or commission.

Candidate for public office

8. If the suit is one brought against a candidate for public office and arises out of or in connection with any matter concerning his candidacy or the election laws and said candidate cannot be found within the State after diligent search, then as provided for in Section 54 of the Elections Code.

All other cases

9. In all other cases to the defendant personally.

CHAPTER 1520

An act to amend Section 12025 of the Penal Code, relating to the carrying of dangerous weapons without a license.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 12025 of the Penal Code is amended to read:

12025. Except as otherwise provided in this chapter, any person who carries concealed upon his person or concealed within any vehicle which is under his control or direction any pistol, revolver, or other firearm capable of being concealed upon the person without having a license to carry such firearm as provided in this chapter is guilty of a misdemeanor, and if he has been convicted previously of any felony or of any crime made punishable by this chapter, is guilty of a felony.

Firearms carried openly in belt holsters are not concealed within the meaning of this section, nor are knives which are carried openly in sheaths suspended from the waist of the wearer.

CHAPTER 1521

An act to amend Section 12071 of the Penal Code, relating to the sale, transfer and possession of deadly weapons.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 12071 of the Penal Code is amended to read:

12071. The duly constituted licensing authorities of any city or county may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the county, city and county, city, town or other municipality pistols, revolvers, and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture.

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol or revolver shall be delivered

(a) Within three days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

CHAPTER 1522

An act to amend Section 12072 of the Penal Code, relating to the sale, transfer and possession of deadly weapons.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 12072 of the Penal Code is amended to read:

12072. No person, corporation or dealer shall sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by Section 12021 from owning or possessing such firearms, nor to any minor, under the age of 18 years. In no event shall any such firearm be delivered to the purchaser within three days of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this State who is not personally known to the vendor. Any violation of the provisions of this section is a misdemeanor.

CHAPTER 1523

An act to amend Section 12076 of the Penal Code, relating to the sale, transfer and possession of deadly weapons.

In effect September 7, 1955

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 12076 of the Penal Code is amended to read:

12076. The purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign his name and affix his address to the

register in triplicate, and the salesman shall affix his signature in triplicate as a witness to the signature of the purchaser.

One of the triplicate sheets of the register shall, on the date of sale, be placed in the mail, postage prepaid, and properly addressed to the Bureau of Criminal Identification and Investigation at Sacramento and one shall be mailed, postage prepaid, to the chief of police, or other head of police department of the city or county wherein the sale is made. Where the sale is made in a district where there is no municipal police department the triplicate sheet shall be mailed to the sheriff of the county wherein the sale is made.

CHAPTER 1524

An act to amend Section 9087 of the Insurance Code, relating to fraternal fire insurers.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 9087 of the Insurance Code is amended to read:

9087. Such associations shall not issue policies of insurance on any property within the limits of a city which has a population of 7,500 or more. No property within the corporate limits of any city or town shall be insured except dwellings and the contents thereof, grange halls and the contents thereof, other grange property, and any buildings appurtenant thereto.

CHAPTER 1525

An act to amend Sections 32001, 32004, 32004.3, 32004.4, and 32004.6 of the Health and Safety Code, relating to inclusion and annexation of lands to hospital districts.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 32001 of the Health and Safety Code is amended to read:

32001. A local hospital district may be organized, incorporated and managed, may annex or exclude territory, or consolidate with other such districts or may be dissolved, as provided in this division and may exercise the powers herein granted or necessarily implied. Such a district may include incorporated or unincorporated territory, or both, or territory in any one or more counties. The territory comprising this dis- Territory included

trict need not be contiguous but the territory of a municipal corporation shall not be divided; provided, that land either in a municipal corporation or in unincorporated territory which the supervising authority finds will not be benefited shall not be included.

Exception

Where territory has been excluded from a local hospital district by a supervising authority or by a governing body, it shall not thereafter, in the absence of a finding based upon substantial evidence of changed conditions with respect thereto, be included or annexed.

SEC. 2. Section 32004 of said code is amended to read:

Annexation of territory

32004. A petition for annexation of land to a local hospital district shall be signed by registered voters residing within the territory proposed for annexation, equal in number to at least 15 percent of the number of votes cast in that territory for the Office of Governor at the last preceding election at which a Governor was elected. If upon the hearing held upon the petition, the governing body subject to the provisions of Section 32001 of this code deems it for the best interest of the district that said territory, or part thereof, be annexed, it shall call and hold an election within the territory or area proposed to be annexed, as the boundaries thereof are described in a resolution of the board of directors of such district adopted at the termination of such hearing, to decide whether or not the proposed annexation shall take place. If a majority of the votes cast at such election, in said territory, be in favor of annexation, the district governing body may by resolution declare the territory annexed and shall describe the altered boundaries of the district; or such district governing body may, by resolution, order and call an election within the district to submit to the electors thereof the question of the annexation of the territory proposed to be annexed to such district.

SEC. 3. Section 32004.4 of said code is amended to read:

Determination

32004.4. If upon the hearing of the petition the governing body of the district determines subject to the provisions of Section 32001 of this code that the best interest of the district will be served by annexing such territory, or part thereof, and if no protest as hereinafter provided is made against such annexation, the governing body may annex the territory described in the petition, or any portion thereof without an election in the district. If protests to the annexation are made to the governing body by registered voters residing within the district equal in number to at least 5 percent of the number of votes cast in the district for the Office of Governor at the last preceding election at which a Governor was elected or if protests to the annexation are made by a similar percentage of the number of votes cast in the area proposed to be annexed for the Office of Governor at the last preceding election at which a Governor was elected, or in the event the governing board determines that the best interests of the district will be served by holding an election, in either the district or in the territory proposed to be an-

Protests

nexed or in both, such election shall be called and held within the district or in the territory proposed to be annexed or in both, to decide whether or not such proposed annexation to the district shall take place. If such an election is required, the annexation may be completed only if a majority of the votes cast within the area in which the election is held are in favor of annexation. Election

SEC. 4. Section 32004.6 of said code is amended to read:

32004.6. If a majority of votes cast within the area in which the election is held, and in both the district and the territory proposed to be annexed if an election is held in both areas, are in favor of annexation, or, if no election is required and the governing body determines subject to the provisions of Section 32001 of this code that such annexation is for the best interests of the district, it shall, by resolution entered in its minutes, declare the territory annexed and shall describe the altered boundaries of the district. A certified copy thereof shall be filed in the office of the county recorder, the county assessor, county engineer, the State Board of Equalization and the Secretary of State. Resolution

SEC. 5. Section 32004.3 of said code is amended to read:

32004.3. Upon filing of the petition for annexation, the governing body shall fix a time and place for the hearing thereof and shall cause a notice to be published, containing Notice of hearing Contents

(a) The date of filing of the petition.

(b) The number of signers to the petition.

(c) A description of the location or boundaries of land described in the petition.

(d) The prayer of the petition.

(e) The time and place fixed for the hearing thereof.

(f) Statements to the effect that all persons interested in or affected by such change in the boundaries of the district may appear and show cause why such change should not be made and written requests for not including all or any portion of the territory proposed to be annexed will be heard and considered.

The notice shall be published once each week for two successive weeks prior to the date set for the hearing in a newspaper of general circulation published in the district; and, if there is no such newspaper in the district, then, in such a newspaper in the county. Publication

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CHAPTER 1526

An act to amend Sections 1353, 1373, and 1379 of the Harbors and Navigation Code, relating to the Board of Pilot Commissioners for the Harbor of San Diego.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.] In effect September 7, 1955

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

SECTION 1. Section 1353 of the Harbors and Navigation Code is amended to read:

Board meetings.

1353. The board shall meet at least once in each month. It shall elect one of its number president and it shall make by-laws and rules for its own government and for the government of the pilots which are not inconsistent with the laws of this State or of the United States.

A majority of the board shall constitute a quorum for the transaction of business, and may meet and adjourn from time to time, according to adjournment or appointment.

Compensation of members

Each member of the board shall receive a per diem of twenty-five dollars ($25) for each day of attendance at meetings of the board but not for more than two days of such attendance during any one calendar month.

SEC. 2. Section 1373 of said code is amended to read:

Pilot's bond

1373. In all cases where a pilot has been deprived of his license before its expiration for any of the causes specified in this chapter, the president of the board, if a majority of the board so instructs him, shall place the bond of the pilot in the hands of the Attorney General of the State for collection. If any amount is collected, it shall be paid to the board.

SEC. 3. Section 1379 of said code is amended to read:

Account

1379. Every pilot of the Harbor of San Diego shall once in each month, upon blanks to be furnished by the board, render a verified account to the board of all moneys received by him, or by any other person for him, or on his account, and he shall pay 5 percent thereof to the board. The account shall show:

(a) The name of each vessel piloted.

(b) The name of each vessel for which pilotage has been charged or collected.

(c) The amount charged to or collected from each vessel.

(d) Where the vessel is registered.

(e) The depth of its draft and its tonnage.

(f) Whether it was inward or outward bound.

(g) Whether the amount so received, collected, or charged is for full pilotage or half pilotage.

The secretary shall record the account in a book prepared for that purpose, which book shall at all times be open to public inspection.

All money received by the board pursuant to any provision of this chapter shall be transmitted monthly to the State Treasurer and deposited in the State Treasury to the credit of the General Fund.

CHAPTER 1527

An act to amend Section 125 of the Agricultural Code, relating to weed seed, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor June 30, 1955. Filed with Secretary of State July 1, 1955.]

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

SECTION 1. Section 125 of the Agricultural Code is amended to read:

125. Whenever anything brought into any county or locality of the State from another county or locality within the State or from any other state or foreign country is found to be infested with the seed of any pest not of common occurrence in the county or locality into which such shipment is brought, the director or the commissioner shall notify the owner or bailee of such shipment to return it to point of shipment within 48 hours, and the owner or bailee shall return such shipment. If the director or the commissioner determines that such seeds can be destroyed by treatment, the shipment may, at the option and expense of the owner or bailee, be given such treatment under the supervision of the director or the commissioner, and after such treatment the shipment may be released. If the director or the commissioner determines that no adverse effect to agriculture would result from allowing the shipment to be stored in quarantine pending treatment or shipment out of the State, or from procedures incidental thereto, the shipment may be so stored for such a period of time in an approved place under such conditions as the director or commissioner may require.

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 provisions requiring immediate reshipment of seed will work undue hardship in many cases even though the public health and safety may be adequately safeguarded by proper quarantine. There are such shipments now entering this State which can be safely stored but cannot be shipped within the prescribed time and will be lost unless immediate provision is made for their storage.

CHAPTER 1528

An act to amend Sections 3076 and 3077 of the Penal Code, and Section 597 of the Welfare and Institutions Code, relating to probation and parole.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 597 of the Welfare and Institutions Code is amended to read:

"Probation committee"

597. The judge of the superior court in each county, and in counties having more than one judge the judge who has been designated the judge of the juvenile court, shall, by order entered in the minutes of the court, appoint a committee to be known as the "probation committee," and shall fill all vacancies occurring in such committee. Except as may be

otherwise provided in a county charter adopted under Section 7½ of Article XI of the Constitution, the probation committee shall consist of not less than seven citizens of good moral character.

SEC. 2. Section 3076 of the Penal Code is amended to read:

Board regulations

3076. The board shall act at regularly called meetings at which two-thirds of the members are present, and shall make and establish rules and regulations in writing stating the reasons therefor under which any prisoner who is imprisoned in any county jail, or industrial farm, or industrial road camp, 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 county, after judgment of conviction for the commission of a misdemeanor, may be allowed to go upon parole outside of any jail, or industrial farm, or industrial road camp, in which he is imprisoned, but to remain, while on parole, in the legal custody and under the control of the board establishing the rules and regulations for his parole, and subject at any time to be taken back within the enclosure of any such jail, or industrial farm, or industrial road camp.

SEC. 3. Section 3077 of the Penal Code is amended to read:

Temporary commissioners

3077. The members of the board may for the purpose of considering applications for parole of prisoners from city or county jails, or industrial farms, or industrial road camps, designate deputies of their respective offices to serve for them as temporary commissioners when they are unable to serve.

CHAPTER 1529

An act to add Section 3132 to Article 5 of Chapter 5 of Part 2 of Division 1 of, and to add Section 3158 to Article 6 of Chapter 5 of Part 2 of Division 1 of the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 3132 is added to Article 5 of Chapter 5 of Part 2 of Division 1 of the Unemployment Insurance Code, to read:

Investments in central office buildings

3132. When money from the Disability Fund is used for investment purposes in the purchase of property and in the construction of buildings, and appurtenant facilities or in the purchase of property, or in the construction of buildings, and appurtenant facilities for the use of the Department of Employment, or for the use of the Department of Employment and other state agencies, the Director of Employment may do any and all things necessary to protect the investment including 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 Director of Employment under this section shall be subject to the approval of the Department of Finance.

SEC. 2. Section 3158 is added to Article 6 of Chapter 5 of Part 2 of Division 1 of said code, to read:

Investments in branch office buildings

3158. When money from the Disability Fund is used for investment purposes in the purchase of property and in the construction of buildings, and appurtenant facilities, or in the purchase of property, or in the construction of buildings, and appurtenant facilities, for the use of the Department of Employment, or for the use of the Department of Employment and other state agencies, the Director of Employment may do any and all things necessary to protect the investment including 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 Director of Employment under this section shall be subject to the approval of the Department of Finance.

CHAPTER 1530

An act to amend Section 406 of the Education Code, relating to the compensation of the county superintendent of schools of a county of the sixth class.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 406 of the Education Code is amended to read:

Santa Clara County Superintendent of Schools Salary

406. The annual salary of the county superintendent of schools of a county of the sixth class is fifteen thousand dollars ($15,000), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 1531

An act to amend Section 413 of the Education Code, relating to the superintendent of schools of a county of the thirteenth class.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 413 of the Education Code is amended to read:

San Joaquin County Superintendent of Schools Salary

413. The annual salary of the county superintendent of schools of a county of the thirteenth class is eleven thousand dollars ($11,000), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 1532

An act to amend Sections 7003, 7051, and 7091 of, and to add Sections 7123 and 7124 to, the Business and Professions Code, relating to contractors.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 7003 of the Business and Professions Code is amended to read:

Board members' Terms

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

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

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

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

SEC. 2. Section 7123 is added to said code, to read:

Grounds for disciplinary action: Felony conviction

7123. A conviction of a felony in connection with the operations of a licensee as a contractor constitutes a cause for disciplinary action. The record of the conviction shall be conclusive evidence thereof.

SEC. 3. Section 7124 is added to said code, to read:

When deemed conviction

7124. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 4. Section 7051 of said code is amended to read:

7051. This chapter does not apply to a licensed architect or a registered civil or professional engineer acting solely in his professional capacity or to a licensed structural pest control operator acting within the scope of his license. Exemption

SEC. 5. Section 7091 of said code is amended to read:

7091. All accusations against licensees shall be filed within two years after the act or omission alleged as the ground for disciplinary action, except that with respect to an accusation alleging a violation of Section 7112, the accusation may be filed within two years after the discovery by the registrar or by the board of the alleged facts constituting the fraud or misrepresentation prohibited by the section. The proceedings 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 registrar shall have all the powers granted therein. Accusations

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CHAPTER 1533

An act to amend Section 28120 of the Government Code, relating to compensation for public service in counties of the twentieth class.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.] In effect September 7, 1955

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

SECTION 1. Section 28120 of the Government Code is amended to read:

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: Sonoma County officers Salaries

(a) The auditor, seven thousand two hundred dollars ($7,200) a year.

(b) The district attorney, ten thousand dollars ($10,000) a year. He shall devote his entire time to the duties of his office, and shall not engage in private law practice.

(c) The chairman of the board of supervisors, six thousand two hundred dollars ($6,200) a year and each other supervisor, five thousand dollars ($5,000) a year, for all services required by law or by virtue of the office, and to each supervisor 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 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 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.

Incumbents

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 1534

An act to amend Section 395.3 of the Military and Veterans Code and to amend Sections 19390, 19394, 19401, 19401.1, 19403, and 19404 of, and to add Section 19405 to, the Government Code, relating to military and veterans' affairs, and national defense.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 395.3 of the Military and Veterans Code is amended to read:

395.3. In the event that any public officer or employee has resigned or resigns his office or employment to serve or to continue to serve in the armed forces of the United States or in the armed forces of this State, he shall have a right to return to and re-enter the office or employment prior to the time at which his term of office or his employment would have ended if he had not resigned, on serving a written notice to that effect upon the authorized appointing power, or if there is no authorized appointing power, upon the officer or agency having power to fill a vacancy in the office or employment, within six months of the termination of his active service with the armed forces; provided, that such right to return and re-enter upon the office or position shall not extend to or be granted to such public officer or employee, who voluntarily requests and obtains an extension of his original term of enlistment, service, or tour of duty with the armed forces of the United States or of the militia of this State. Return to office or employment after military service

As used in this section, "public officers and employees" includes all of the following: "Public officers and employees"

(a) Members of the Senate and of the Assembly.

(b) Justices of the Supreme Court and the district courts of appeal, judges of the superior courts and of the municipal courts, and all other judicial officers.

(c) All other state officers and employees, whether or not within the state civil service, including all officers for whose selection and term of office provision is made in the Constitution and laws of this State.

(d) All officers and employees of any county, city and county, city, township, district, political subdivision, authority, commission, board, or other public agency within this State.

The right of re-entry into public office or employment provided for in this section shall include the right to be restored to such civil service status as the officer or employee would have if he had not so resigned; and no other person shall acquire civil service status in the same position so as to deprive such officer or employee of his right to restoration as provided for herein. Civil service status

This section shall be retroactively applied to extend the right of re-entry into public office or employment to public officers and employees who resigned prior to its effective date. Retroactive application

This section does not apply to any public officer or employee to whom the right to re-enter public office or employment after service in the armed forces has been granted by any other provision of law. Exception

If any provision of this section, or the application of this section to any person or circumstance, is held invalid, the remainder of this section, or the application of this section to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. Severability

SEC. 2. Section 19390 of the Government Code is amended to read:

Restoration to former position

19390. Any permanent or probationary state civil service employee in good standing who enters or enlists in the recognized military service of the United States has an absolute right to be restored to his former position and civil service status or a position in his former class, such reinstatement to be made to the same office, board, commission, agency, or institution, and in the same locality with the same civil service status formerly had by him, upon application by him to the board within six months after the termination of such military service, but not later than six months after the Governor terminates the state military emergency or, in either case, within six months after any rehabilitation afforded by the United States or the State following such military service; provided, that such right of reinstatement shall not extend to or be granted to such employee, who after January 1, 1956, voluntarily requests and obtains an extension of his original term of enlistment, service, or tour of duty in the recognized military service of the United States. If no position exists in the same locality, the board may reinstate the employee on his request, to a position in the same class in the same office, board, commission, agency, or institution, in some other locality.

Time limit

Where such employee resigns from state service to enter recognized military service, he shall have the same reinstatement rights if that entry is made within 90 days from date of resignation.

SEC. 3. Section 19394 of the Government Code is amended to read:

Persons on employment lists

19394. A person in recognized military service whose name was high enough on a regular permanent employment list to be available for certification for possible permanent appointment to a position while he was in the armed forces of the United States shall retain his place on the list for three years following the date of his release from military service or until six months after the termination of the state military emergency, whichever is the earlier date. Provided further, that a name shall not be retained on a list for longer than eight years after the date the list was established. The name of a person whose eligibility is retained under the provisions of this section beyond the time other names are removed from a list as provided in Section 18901 shall be certified ahead of the names of persons on more recently prepared lists, except that the name shall be removed from the list if he refuses or has refused to accept appointment to a permanent position after certification thereto subsequent to his release from the armed forces. This section does not apply to an individual who enters or enlists in the recognized military service of the United States and who after January 1, 1956, voluntarily requests and obtains an extension of his original term of enlistment, service, or tour of duty in such service.

SEC. 4. Section 19401 of said code is amended to read:

Certification for higher position

19401. Whenever a state employee is certified for appointment to a higher position by a department before entering military service and the department has requested his service, but was unable to complete any procedural requirement for such appointment by reason of entry into recognized military service, if eligible to reinstatement pursuant to Government Code Section 19390, he shall be afforded an opportunity to complete the necessary requirement for such appointment immediately upon return to state service and if completed satisfactorily shall be considered as having been appointed as of the earliest date of appointment as it appears on the certificate of eligibles and shall be considered as being on military leave from said position.

SEC. 5. Section 19401.1 of said code is amended to read:

Uncompleted portion of examination

19401.1. When any person completes successfully part of an open or promotional examination but was unable to complete all portions thereof because of entry into recognized military service, the board shall arrange for him to take such uncompleted portion of the examination, providing application is made not later than six months after his release from military service. Such right to complete an examination shall not continue for longer than five years after the date of the examination

Procedure on passing of examination

If the applicant passes the examination, his name shall be placed on the eligible list that resulted from the original examination as the list stands at the time his name is placed thereon. Notwithstanding the removal of names from the original list pursuant to Section 18901, the eligibility shall be established; provided, his rating is sufficiently high for his name to have been included on a certification to a permanent position while he was in the military service had his name been on the list when originally established. He shall retain his place on such list for three years from the termination of his service with the armed forces or one year from the date such eligibility is established, whichever is the later date. A name thus retained on a list, beyond the time other names are removed from the list pursuant to Section 18901, shall be removed if the person refuses to accept appointment to a permanent position after certification thereto subsequent to his discharge from the armed forces.

Exception

This section does not apply to a person who enters or enlists in the recognized military service of the United States and who after January 1, 1956, voluntarily requests and obtains an extension of his original term of enlistment, service, or tour of duty in such service.

SEC. 6. Section 19403 of said code is amended to read:

Right to take examinations held during military leave: Regular examinations

19403. An individual who was on military leave from a state civil service position that he held under duration appointment, or from a position held under an exempt appointment but included in the state civil service prior to his release from military service, or from a position in any federal or other

public agency, the functions of which as they relate to such position were transferred to the state prior to his release from military service, and who would be eligible for reinstatement or restoration to his position pursuant to Government Code Section 19390 or Military and Veterans Code Section 395.1 shall be permitted to take any regular examination held while he was in the military service, or on military leave, for the class in which he had such appointment and for which he had the minimum qualifications required of applicants when the examination originally was given. Provided, further, that the right to have an examination reopened shall not continue for longer than five years after the date of the examination. The board shall arrange for him to take the identical examination if application is made not later than six months after his release from military service or six months after the effective date thereof, whichever is the later date. If the applicant passes the examination, his name shall be placed on the eligible list that resulted from the original examination as the list stands at the time his name is placed thereon. Notwithstanding the removal of names from the original list pursuant to the provisions of Section 18901 of the Government Code, the eligibility shall be established; provided, his rating is sufficiently high for his name to have been included on a certification to a permanent position while he was in the military service had his name been on the list when originally established. He shall retain his place on such list for three years from the termination of his service with the armed forces or one year from the date such eligibility is established, whichever is the later date; provided, his rating is sufficiently high for his name to have been included on a certification to a permanent position while he was in recognized military service had his name been on the list when originally established. A name thus retained on a list, beyond the time other names are removed from the list pursuant to the provisions of Section 18901 of the Government Code, shall be removed if the person refuses to accept appointment to a permanent position after certification thereto subsequent to his discharge from the armed forces.

SEC. 7. Section 19404 of said code is amended to read:

Same: Promotional examinations

19404. If, while a civil service employee was on military leave, a promotional examination was held which he would have been entitled to take had he continued to hold the position last held prior to entrance into recognized military service and not been on military leave, such employee shall be eligible to take the identical promotional examination, and the board shall arrange for him to take the examination within a reasonable time providing application is made not later than six months after his reinstatement from military leave; provided further, that the right to have an examination reopened shall not continue for longer than five years after the date of the examination. If the employee qualifies in the examination, his name shall be placed on the open and promotional

list that resulted from the original examination as the list stands at the time his name is placed thereon. Notwithstanding the removal of names from the original list pursuant to Section 18901, the eligibility shall be established; provided, his rating is sufficiently high for his name to have been included on a certification to a permanent position while he was in the military service had his name been on the list when originally established. He shall retain his place on such list for three years from the termination of his service with the armed forces or one year from the date such eligibility is established, whichever is the later date. A name thus retained on a list, beyond the time other names are removed from the list pursuant to the provisions of Section 18901, shall be removed if the person refuses to accept appointment to a permanent position after certification thereto subsequent to his discharge from the armed forces, or if he resigns from state service.

SEC. 8. Section 19405 is added to said code, to read:

19405. The provisions of Sections 19394, 19401.1, 19403, and 19404 as they existed prior to the 1955 amendments of such sections shall remain applicable to any person who returns to state civil service from recognized military service prior to January 1, 1956.

Applicability of pre-1955 provisions

CHAPTER 1535

An act to amend Section 4793.1 of the Health and Safety Code, relating to the disposition of moneys remaining in the construction fund of a county sanitation district after completion of construction.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 4793.1 of the Health and Safety Code is amended to read:

4793.1. When the purposes and objects mentioned in the resolution calling the bond election have been accomplished, any moneys remaining in the construction fund may be transferred to the fund to be used for the payment of principal and interest on the bonds. The district board by a vote of two-thirds of the members thereof may use said remaining moneys for some other county sanitation district purpose which will benefit the property in the district or improvement district, as the case may be; provided, however, that with respect to improvement districts such general objectives and purposes shall not include the acquisition or construction of new local street sewers or laterals as distinguished from main trunks, interceptors, and outfall sewers. Said moneys may not be used for said other county sanitation district purposes until two-thirds of the qualified electors of said district or improvement

district thereof, as the case may be, have consented thereto at a special election called in said district or improvement district by the district board. Notice of said election shall be given and said election shall be held and conducted in the manner provided for bond elections in said county sanitation district or improvement district, as the case may be.

CHAPTER 1536

An act to amend Section 5071 of the Public Resources Code, relating to riding and hiking trails.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 5071 of the Public Resources Code is amended to read:

5071. It is hereby declared to be the public policy of this State and the purpose of this act to promote the conservation, development, and use of the natural resources of this State for purposes of health, recreation, and protection against fire and other hazards; to increase the accessibility and encourage the use of such natural resources by the residents of this State and by nonresidents; to provide opportunity for the development of public and private facilities for the service of persons visiting and utilizing the natural resources of the State; to encourage increase in riding and hiking as influences for the improvement of the health of the people; and to provide for the establishment, development, maintenance and use of a state-wide system of riders' and hikers' trails, both primary and secondary.

The conclusions and recommendations in the report of the Riding and Hiking Trails Projects Committee of the Reconstruction and Re-employment Commission submitted to said commission are adopted in principle.

CHAPTER 1537

An act to amend Sections 5085 and 7778 of the Education Code, relating to the Public School System, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 5085 of the Education Code is amended to read:

Annexation after final conditional apportionment. Determination of apportionment

5085. Whenever, subsequent to the date on which a conditional apportionment made to a state-aided district becomes final, less than all of such district is included in another district, the Director of Finance shall determine what portion of such apportionment was expended or will be expended for property acquired or to be acquired by the acquiring district. Any determination made by the Director of Finance under this section may be redetermined by him, from time to time, until the project for which the apportionment was made has been completed, and the final cost thereof determined and the final determination has been made pursuant to such final cost. The Director of Finance shall promptly notify the State Controller, the governing board of the state-aided district and of the acquiring district, the superintendent of schools, the auditor, and the treasurer of the counties having jurisdiction over said districts of each determination and redetermination made by him under this section. No redetermination shall be retroactive nor affect the liability of any school district for any payment or annual repayment, or portion thereof, previously made by or on behalf of such district to the State under the provisions of this chapter.

On and after the date of such change of boundaries, the acquiring district succeeds to and is vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to that portion of the apportionment which the Director of Finance has determined or redetermined under this section was expended, or will be expended, for property acquired or to be acquired by the acquiring district, and the unexpended part of such portion of the apportionment in the public school building fund of the state-aided district shall be transferred to the public school building fund of the acquiring district. In addition, and at the same time, the acquiring district shall become liable for the payment to the State of that portion of the annual repayment and all other payments due the State under Section 5057 and other provisions of this chapter with respect to that portion of the apportionment which the Director of Finance has determined or redetermined was expended, or will be expended for property acquired, or to be acquired by the acquiring district, or, in the event such portion of such apportionment is a lower percentage of such apportionment than the percentage that the assessed valuation in the territory of the state-aided district which was transferred to the acquiring district is of the total assessed valuation of the state-aided district immediately preceding the effective date of the transfer, the acquiring district shall become liable for the payment to the State of that percentage of the annual repayment and all other repayments due the State under Section 5057 and other provisions of this chapter with respect to such apportionment which is equal to such percentage of assessed valuation in the territory transferred to the acquiring district.

SEC. 2. Section 7778 of said code is amended to read:

Share of apportionment

7778. Whenever, subsequent to the date on which a conditional apportionment made to a state-aided district becomes final, less than all of such district is included in another district, the Director of Finance shall determine what portion of such apportionment was expended or will be expended for property acquired or to be acquired by the acquiring district. Any determination made by the Director of Finance under this section may be redetermined by him, from time to time, until the project for which the apportionment was made has been completed, and the final cost thereof determined and the final determination has been made pursuant to such final cost. The Director of Finance shall promptly notify the State Controller, the governing board of the state-aided district and of the acquiring district, the superintendent of schools, the auditor, and the treasurer of the counties having jurisdiction over said districts of each determination and redetermination made by him under this section. No redetermination shall be retroactive nor affect the liability of any school district for any payment or annual repayment, or portion thereof, previously made by or on behalf of such district to the State under the provisions of this chapter.

On and after the date of such change of boundaries, the acquiring district succeeds to and is vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to that portion of the apportionment which the Director of Finance has determined or redetermined under this section was expended, or will be expended, for property acquired or to be acquired by the acquiring district, and the unexpended part of such portion of the apportionment in the state school building fund of the state-aided district shall be transferred to the state school building fund of the acquiring district. In addition, and at the same time, the acquiring district shall become liable for the payment to the State of that portion of the annual repayment and all other payments due the State under Section 7729 and other provisions of this chapter with respect to that portion of the apportionment which the Director of Finance has determined or redetermined was expended, or will be expended for property acquired, or to be acquired by the acquiring district, or, in the event such portion of such apportionment is a lower percentage of such apportionment than the percentage that the assessed valuation in the territory of the state-aided district which was transferred to the acquiring district is of the total assessed valuation of the state-aided district immediately preceding the effective date of the transfer, the acquiring district shall become liable for the payment to the State of that portion of the annual repayment and all other repayments due the State under Section 7729 and other provisions of this chapter with respect to such apportionment which is equal to such percentage of assessed valuation in the territory transferred to the acquiring district. "Annual repayment," as used in this

section, refers to repayment computed under Sections 7726 to 7729, inclusive, and excludes amounts for which the state-aided district is liable under the provisions of Section 7714.1. Whenever a site for which repayments are being made under Section 7714.1 is transferred to an acquiring district the acquiring district shall be liable for the repayments required under Section 7714.1.

Applicability

SEC. 3. This act shall apply to computations of annual repayments of school districts and deductions from State School Fund apportionments made during the 1955-1956 Fiscal Year and each fiscal year thereafter. If, under this act, the annual repayment and deduction of a district for the 1955-56 Fiscal Year would be different than that previously computed for such fiscal year, the Controller shall recompute such annual repayment and deduction and, on or before September 1, 1955, notify the governing board of the district and the other officers referred to in Education Code Sections 5062 and 7735 of the amount to be deducted as recomputed pursuant to this act.

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:

Under the existing law upon the change in boundaries of a district receiving state school building aid, the amount of repayment which the district makes on such aid is reduced in proportion to the amount of the state aid which was used for facilities which the district loses as a result of the change of boundaries. This type of reduction is insufficient and inequitable to the district and the taxpayers thereof where the percentage of assessed valuation lost by the state-aided district as a result of the change of boundaries is much greater than the percentage of state aid financed facilities lost by the district. In order to ameliorate this unfair burden on the taxpayers of such districts to avoid jeopardizing the whole school program of such district during the 1955-1956 Fiscal Year it is necessary that this act take effect immediately.

CHAPTER 1538

An act to amend Section 2193 of, and to add Section 2193.5 to, the Business and Professions Code, relating to the healing arts.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955]

In effect September 7, 1955

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

SECTION 1. Section 2193 of the Business and Professions Code is amended to read:

Applications of foreign medical school graduates

2193. An applicant who does not qualify under Section 2193.5 of this chapter and whose application is based on a diploma issued to him by a foreign medical school, except a Canadian school, shall furnish documentary evidence, satisfactory to the board, that:

(a) He has completed in a medical school or schools a resident course of professional instruction equivalent to that required in this article for a physician and surgeon applicant.

(b) Subsequent thereto, he has had issued to him by such medical school, a medical diploma, as evidence of the completion of the course of medical instruction required in this chapter.

(c) He has been admitted or licensed to practice medicine and surgery in the country wherein is located the institution in which he has completed the resident courses of professional instruction required under this chapter.

(d) The country in which he has been licensed to practice medicine and surgery as required under subdivision (c) of this section will admit to practice therein citizens of the United States upon proof of prior admission to practice medicine and surgery in some state of the United States or upon proof of matters similar to the requirements in this section for graduates of foreign medical schools.

Applicants under this section must serve at least two years in a service satisfactory to the board in a hospital or hospitals located in the United States and approved by the board for the training of interns, one year of which must be in a hospital in this State. Before a certificate may be issued, the applicant must not only meet the requirements of subdivisions (a), (b), (c) and (d) of this section but must also pass the written examination as provided under Article 10 of Chapter 5 of Division 2 of this code prior to commencing an internship in a hospital in this State, and must also pass an oral and clinical examination at the satisfactory completion of the two-year internship.

Nothing contained in this section shall prohibit the board from disapproving any foreign medical school nor from denying the application if, in the opinion of the board, the instruction received by the applicant or the courses were not equivalent to that required in this article for a physician and surgeon applicant.

SEC. 2. Section 2193.5 is added to said code, to read:

Same Citizens at time instruction commenced

2193.5. An applicant who at the time of his application and at the time he commenced his resident course of professional instruction required by Section 2192 of this code was a citizen of the United States and whose application is based on a diploma issued to him by a foreign medical school, except a Canadian school, shall furnish documentary evidence, satisfactory to the board that:

(a) He has completed in a medical school or schools a resident course of professional instruction equivalent to that required in this article for a physician and surgeon applicant.

(b) Subsequent thereto, he has had issued to him by such medical school, a medical diploma, as evidence of the completion of the course of medical instruction required in this chapter.

Applicants under this section must serve at least one year in a service satisfactory to the board in a hospital located in the United States and approved by the board for the training of interns. Before a certificate may be issued, the applicant must not only meet the requirements of subdivisions (a) and (b) of this section, but must also pass the written examination as provided under Article 10 of Chapter 5 of Division 2 of this code prior to commencing an internship in a hospital in the United States, and must also pass an oral and clinical examination at the satisfactory completion of the one-year internship.

Nothing contained in this section shall prohibit the board from disapproving any foreign medical school nor from denying the application if, in the opinion of the board, the instruction received by the applicant or the courses were not equivalent to that required in this article for a physician and surgeon applicant.

Exception

SEC. 3. The amendments to Section 2193 of, and the addition of Section 2193.5 to, the Business and Professions Code made by this act shall not apply to any person, who prior to the effective date of this act was serving as an intern in a hospital approved by the board for the training of interns.

CHAPTER 1539

An act to amend Sections 74802 and 74803 of the Government Code, relating to the municipal court established in a district embracing the City of Stockton.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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

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

Clerk Salary

74802. There shall be one clerk who shall also act as secretary to the judges and who shall receive a minimum salary of five hundred eighteen dollars ($518) monthly with annual increments of twenty-nine dollars ($29), thirty-one dollars ($31), thirty-two dollars ($32), and thirty-four dollars ($34) to a maximum of six hundred forty-four dollars ($644) monthly.

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

74803. The clerk may appoint:

Deputy clerks Salaries

(a) One deputy clerk who shall be chief deputy clerk, and the deputy clerk now holding the position of assistant clerk

upon the effective date of the 1955 amendment to this section shall be deemed to be the chief deputy clerk, who shall receive a minimum salary of three hundred seventy-five dollars ($375) monthly with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of four hundred sixty-five dollars ($465) monthly.

(b) Six deputy clerks IV, each of whom shall receive a minimum salary of three hundred three dollars ($303) monthly with annual increments of seventeen dollars ($17), seventeen dollars ($17), nineteen dollars ($19), and nineteen dollars ($19) to a maximum of three hundred seventy-five dollars ($375) monthly.

(c) Five deputy clerks III, 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 seventeen dollars ($17) to a maximum of three hundred twenty dollars ($320) monthly.

(d) Eight deputy clerks II, 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), fourteen dollars ($14), and fifteen dollars ($15) to a maximum of two hundred eighty-eight dollars ($288) monthly.

(e) Two deputy clerks I, 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), thirteen dollars ($13) and thirteen dollars ($13) to a maximum of two hundred fifty-nine dollars ($259) monthly.

All persons employed by the court on the effective date of the 1955 amendment of this section shall receive credit for prior continuous service in this court and in courts superseded by it, 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 1540

An act to amend Section 74804 and repeal and add Section 74805 of the Government Code, relating to the Municipal Court of the City of Stockton.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 74804 of the Government Code is amended to read:

74804. There shall be one marshal who shall receive six hundred dollars ($600) a month. Marshal

SEC. 2. Section 74805 of said code is repealed. Repeal

SEC. 3. Section 74805 is added to the Government Code, to read:

74805. The marshal may appoint:

(a) One chief deputy marshal who shall receive a minimum salary of three hundred thirty-seven dollars ($337) monthly with annual increments of nineteen dollars ($19), nineteen dollars ($19), twenty-one dollars ($21), and twenty-two dollars ($22) to a maximum of four hundred eighteen dollars ($418) monthly. Appointees of marshal

(b) One senior deputy marshal who shall receive a minimum salary of three hundred twenty dollars ($320) monthly with annual increments of nineteen dollars ($19), nineteen dollars ($19), nineteen dollars ($19), and nineteen dollars ($19) to a maximum of three hundred ninety-six dollars ($396) monthly.

(c) Two deputy marshals, each of whom shall receive a minimum salary of two hundred eighty-eight dollars ($288) monthly with annual increments of seventeen dollars ($17), seventeen dollars ($17), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of three hundred fifty-six dollars ($356) monthly.

(d) One deputy marshal who shall be senior account clerk and who shall receive a minimum salary of two hundred seventy-three dollars ($273) monthly with annual increments of fifteen dollars ($15), fifteen dollars ($15), seventeen dollars ($17), and seventeen dollars ($17) to a maximum of three hundred thirty-seven dollars ($337) monthly.

(e) One deputy marshal who shall be intermediate typist clerk and 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.

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

Persons employed by the marshal's office of the effective date of this section shall receive credit for prior continuous service. All persons employed by the marshal on the effective date of this section shall receive credit for prior continuous service in this department and in departments superseded by it, 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 1541

An act to add Section 1219 to the Civil Code, and to amend Section 27287 of the Government Code, relating to acknowledgment and proof of execution, certification and recording of fictitious mortgages or deeds of trust and oil and gas leases.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 1219 is added to the Civil Code, to read:

Acknowledgment, recordation etc., of oil and gas leases

1219. Oil and gas leases may be acknowledged or proved, certified and recorded in like manner and with like effect, as grants of real property; provided, however, that an oil and gas lease may be recorded and constructive notice of the same and the contents thereof given in the following manner:

Any person may record in the office of county recorder of any county fictitious oil and gas leases. Such fictitious oil and gas leases need not be acknowledged, or proved, or certified, to be recorded or entitled to record. Such oil and gas leases shall have noted upon the face thereof that they are fictitious. The county recorder shall index and record such fictitious oil and gas leases in the same manner as other oil and gas leases are recorded, and shall note on all indices and records of the same that they are fictitious. Thereafter, any of the provisions of any such recorded fictitious oil and gas lease may be included for any and all purposes in any oil and gas lease by reference therein to any such provisions, without setting the same forth in full; provided, such fictitious oil and gas lease is of record in the county in which the oil and gas lease adopting or including by reference any of the provisions thereof is recorded. Such reference shall contain a statement, as to each county in which the oil and gas lease containing such a reference is recorded, of the date such fictitious oil and gas lease was recorded, the county recorder's office wherein it is recorded, and the book or volume and the first page of the records or the recorder's instrument number in the recorder's office wherein and at which any such fictitious oil and gas lease was recorded, and a statement by paragraph numbers or any other method that will definitely identify the same, of the specific provisions of any such fictitious oil and gas lease that are being so adopted and included therein. The recording of any such oil and gas lease which has included therein any such provisions by reference as aforesaid shall operate as constructive notice of the whole thereof including the terms, as a part of the written contents of any such oil and gas lease, of any such provisions so included by reference as though the same were written in full therein. The parties bound or to be bound by provisions so adopted and included by reference shall

be bound thereby in the same manner and with like effect for all purposes as though such provisions had been and were set forth in full in any such oil and gas lease.

Whenever a document or paper is presented for recordation on which is set forth, apart and separated from any other writing, typing or printing thereon (1) an oil and gas lease that refers to and incorporates therein provisions of a fictitious oil and gas lease as provided herein, or (2) an oil and gas lease that refers to and incorporates therein provisions of some other instrument theretofore recorded in the office of any county recorder, and (3) such oil and gas lease, set forth on such document or paper, is, of itself, entitled to recordation, then any such other writing, typing or printing on such document or paper, whether on the reverse side from where such oil and gas lease is set forth or on the same side thereof or on the following pages, shall not be recorded by the county recorder to whom such document or paper is presented for recordation if such other writing, typing or printing is preceded by the words or clearly marked, "do not record" or "not to be recorded" or the like. In such case the county recorder shall record only the oil and gas lease set forth on such paper or document and shall not be liable for so doing, any other provisions of law to the contrary notwithstanding.

SEC. 2. Section 27287 of the Government Code is amended to read:

Documents requiring acknowledgment

27287. Unless it belongs to the class provided for in either Sections 27282 to 27286, inclusive, or Sections 1202 or 1203, of the Civil Code, or is a fictitious mortgage or deed of trust as provided in Sections 2952, or 2963, of the Civil Code, or is a fictitious oil and gas lease as provided in Section 1219 of the Civil Code, before an instrument can be recorded its execution shall be acknowledged by the person executing it, or if executed by a corporation, by its president or secretary or other person executing it on behalf of the corporation, or proved by subscribing witness or as provided in Sections 1198 and 1199 of the Civil Code, and the acknowledgment or proof certified as prescribed by law.

CHAPTER 1542

An act to amend Section 503 of the Agricultural Code, relating to milk and dairy products.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 503 of the Agricultural Code is amended to read:

503. A city or county or group of either or both may, for the purpose of maintaining an approved milk inspection service, levy and collect a license fee from distributors of mar-

ket milk within the jurisdiction of the approved milk inspection service; provided, that no distributor shall be required to pay a license fee except to the city or county maintaining an approved milk inspection service under whose supervision the distributor's plant or plants operate, or to any approved milk inspection service designated by the director which inspects dairy farms, the milk of which is shipped direct to a distributor who operates a plant within the jurisdiction of another approved milk inspection service; and provided, that in no case shall the total of said license fees be more than sufficient to maintain the cost of such approved milk inspection service for which said license fees are levied; and provided, that no distributor shall charge any portion of such fees to any producer; and provided further, that no distributor shall be required to pay a license fee to more than one city or county on the same market milk.

CHAPTER 1543

An act to amend Section 70141.5 of the Government Code, relating to court commissioner of superior courts.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 70141.5 of the Government Code is amended to read:

70141.5. In any county with a population exceeding 281,000 and not exceeding 900,000, as determined by the 1950 Federal Census, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner who is authorized to perform such duties in any county with a population exceeding 290,000 and not exceeding 900,000 shall receive an annual salary of eight thousand four hundred dollars ($8,400), and any commissioner who is authorized to perform such duties in any county with a population exceeding 281,000 and not exceeding 290,000 shall receive an annual salary of ten thousand five hundred dollars ($10,500) and in either case such commissioner shall be allowed actual traveling expenses pursuant to Section 70148.

CHAPTER 1544

An act to amend Section 2792 of, and to add Section 2792.1 to, the Elections Code, relating to political conventions.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 2792 of the Elections Code is amended to read:

2792. The state convention of each political party with which are affiliated less than 3,000,000 registered voters shall meet at Sacramento at 10 o'clock of the morning of the first Saturday in August next following the date upon which the primary election preliminary to the general election is held and shall be composed of the following delegates:

(a) Each officer named in this article who was nominated and elected as a candidate of the party and whose term of office extends beyond the eighth day of January next following the primary election, or the appointee or successor to fill a vacancy in the office of any such officer. These delegates are "hold-over delegates."

(b) Each candidate of the party in whose behalf nomination papers were filed and who was nominated at the primary election by that party. These delegates are "nominee delegates."

(c) One delegate appointed for each of the officers herein named, not represented by a "hold-over delegate" nor by a "nominee delegate," of such party. These delegates shall be chosen and appointed in the manner provided in this article for filling vacancies in the state convention. These delegates are "appointive delegates."

SEC. 2. Section 2792.1 is added to said code, to read:

2792.1. Notwithstanding anything in this article to the contrary, the state convention of each political party with which are affiliated more than 3,000,000 registered voters shall meet at Sacramento at 10 o'clock of the morning of the third Saturday next following the closing day of the national convention of such party. This date shall apply to the next succeeding state convention held after the effective date of this section.

CHAPTER 1545

An act to amend Section 28136 of the Government Code, relating to compensation for public service in counties of the thirty-sixth class.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 28136 of the Government Code is amended to read:

Siskiyou County officers Salaries

28136. In a county of the thirty-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, five thousand four hundred dollars ($5,400) a year.

(b) The district attorney, seven thousand two hundred dollars ($7,200) a year.

(c) Each supervisor, three thousand dollars ($3,000) a year and mileage at the rate of twenty cents ($0.20) a mile for the distance usually traveled in going from his home to the county seat and returning.

(d) Grand jurors and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the county seat, in going only. Trial jurors in the justice courts shall receive five dollars ($5) for each day's attendance and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the justice courts, in going only.

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

CHAPTER 1546

An act to amend Sections 74132, 74133, 74134, and 74135 of, and to repeal Sections 74136 and 74137 of, and to add Sections 74136 and 74137 to, the Government Code, relating to officers and attaches of municipal courts in Riverside County.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 74132 of the Government Code is amended to read:

Clerk

74132 There shall be one clerk, who shall receive a minimum monthly salary of three hundred ten dollars ($310), with a semiannual increment of fifteen dollars ($15), and thereafter

annual increments of fifteen dollars ($15), sixteen dollars ($16), and seventeen dollars ($17), to a maximum of three hundred seventy-three dollars ($373).

SEC. 2. Section 74133 of said code is amended to read:

74133. The clerk may appoint:

Appointees of clerk

(a) Three deputy clerks, each of whom shall receive a minimum monthly salary of two hundred fifty-eight dollars ($258), with a semiannual increment of twelve dollars ($12), and thereafter annual increments of thirteen dollars ($13), thirteen dollars ($13), and fourteen dollars ($14), to a maximum of three hundred ten dollars ($310).

(b) Two deputy clerks, each of whom shall receive a minimum monthly salary of two hundred twenty-five dollars ($225), with a semiannual increment of ten dollars ($10), and thereafter annual increments of eleven dollars ($11), twelve dollars ($12), and twelve dollars ($12), to a maximum of two hundred seventy dollars ($270).

(c) Four deputy clerks, each of whom shall receive a minimum monthly salary of two hundred five dollars ($205), with a semiannual increment of ten dollars ($10), and thereafter annual increments of ten dollars ($10), ten dollars ($10), and eleven dollars ($11), to a maximum of two hundred forty-six dollars ($246).

SEC. 2.5. Section 74134 of said code is amended to read:

Marshal

74134. There shall be one marshal, who shall receive an annual salary of four thousand eight hundred dollars ($4,800).

SEC. 3. Section 74135 of said code is amended to read:

74135. The marshal may appoint:

Appointees of marshal

(a) One deputy marshal, who shall receive a minimum monthly salary of two hundred fifty-eight dollars ($258), with a semiannual increment of twelve dollars ($12), and thereafter annual increments of thirteen dollars ($13), thirteen dollars ($13), and fourteen dollars ($14), to a maximum of three hundred ten dollars ($310).

(b) Two clerks, each of whom shall receive a minimum monthly salary of two hundred five dollars ($205), with a semiannual increment of ten dollars ($10), and thereafter annual increments of ten dollars ($10), ten dollars ($10), and eleven dollars ($11), to a maximum of two hundred forty-six dollars ($246).

(c) As many deputies to serve as custodians as may be necessary.

SEC. 4. Section 74136 of said code is repealed.

Repeal

SEC. 5. Section 74136 is added to said code, to read:

Effective date of increments

74136. The semiannual increments provided in this article shall become effective on the first day of the calendar month following the completion of six months of continuous employment and annual increments on the same date in subsequent years, except that the annual increments to the salaries of persons employed on or before January 1, 1955, shall be effective on July 1st of each year.

SEC. 6. Section 74137 of said code is repealed.

Repeal

Vacation, etc., of clerk, marshal, etc.

SEC. 7. Section 74137 is added to said code, to read:

74137. The clerk and marshal and their employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and may be appointed, promoted, or transferred in the same manner and with the same effect as is provided by the salary ordinance of the County of Riverside for other employees of said county.

CHAPTER 1547

An act to amend Section 7069 of the Business and Professions Code, relating to the regulation and licensing of contractors.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 7069 of the Business and Professions Code is amended to read:

7069. An applicant, and each officer, director, partner, associate and responsible managing employee thereof, shall possess good character. Lack of character may be established by showing any of the following:

(a) That the applicant, or any officer, director, partner, associate or responsible managing employee of which has committed or done any act which, if committed or done by any licensed contractor, would be grounds for the suspension or revocation of a contractor's license.

(b) That the applicant, or any officer, director, partner, associate or responsible managing employee of which has committed or done any act involving dishonesty, fraud or deceit whereby the applicant has been benefited or whereby some injury has been sustained by another.

(c) That the applicant, or any officer, director, partner, associate or responsible managing employee of which bears a bad reputation for honesty and integrity.

(d) That the applicant, or any officer, director, partner, associate or responsible managing employee of which has entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or crime involving moral turpitude arising out of, or in connection with, or related to the activities of such person in such a manner as to demonstrate his unfitness to act as a contractor, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation or information.

CHAPTER 1548

An act to amend Section 69593 of the Government Code, relating to the Superior Court of the County of Sacramento.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 69593 of the Government Code is amended to read:

69593. In the County of Sacramento there shall be seven judges of the superior court.

CHAPTER 1549

An act to add Section 216 to the Revenue and Taxation Code, relating to the exemption of personal property from taxation.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 216 is added to the Revenue and Taxation Code, to read:

216. The stock in trade up to one thousand five hundred dollars ($1,500) of a vending stand operated by a blind person licensed to operate the stand pursuant to Chapter 11, Division 7 of Title 1 of the Government Code is exempt from taxation.

CHAPTER 1550

An act to amend Section 1 of Chapter 316 of the Statutes of 1955, relating to the rights of aliens.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1 of Chapter 316 of the Statutes of 1955 is amended to read:

Section 1. The act cited in the title hereof, together with all amendments thereof and all acts supplementary thereto, are repealed.

This repeal shall not operate to affect any action or proceeding in any court that is pending on the effective date of this act. Funds appropriated by Section 16 of the act shall remain available for expenditure in payment of any judgment against the State in any such action or proceeding.

CHAPTER 1551

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 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 16091 of the Education Code is amended to read:

16091. Whenever any blind person 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 one thousand dollars ($1,000) per annum shall be expended for the instruction of any one student, except that for graduate students no more than one thousand two hundred dollars ($1,200) shall be expended for the instruction of any one student.

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:

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 1552

An act to amend Sections 11571, 19052, 19091, 19092, 19183, 19185 of, and to repeal Section 19053 of, the Education Code, relating to the Public School System.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 11571 of the Education Code is amended to read:

11571. All textbooks, supplementary books and instructional material, except books of the state series, shall be purchased by the school district out of the county or special fund and furnished free to the pupils. This textbook fund shall be separate and distinct from the library fund. Textbook fund

SEC. 2. Section 19052 of said code is amended to read:

19052. The libraries shall be open to the use of the teachers and the pupils of the district. Use of libraries

SEC. 3. Section 19091 of said code is amended to read:

19091. The school trustees of a district maintaining its own library may appoint a person who is the holder of a librarianship credential as librarian of the district library. District librarian

SEC. 4. Section 19092 of said code is amended to read:

19092. The librarian shall manage the library as efficiently as possible, and shall be accountable to the trustees for the proper care of the library; collect all fines, penalties, and fees of membership; organize and maintain an appropriate collection of books and other printed material for the use of teachers and pupils of the district. Same Duties

SEC. 5. Section 19183 of said code is amended to read:

19183. In each city or city and county, comprising a single district, the amount apportioned shall not be less than one dollar and fifty cents ($1.50) for each pupil of average daily attendance in the elementary schools. Amount apportioned

SEC. 6. Section 19185 of said code is amended to read:

19185. If the board of education of any city or city and county fails to file the request in writing, the county or city and county superintendent shall apportion to the library fund of each city or city and county failing to make the request in writing, such amount, but not less than the amount specified in Section 19183, as he deems advisable. Apportionment in absence of request

SEC. 7. Section 19053 of said code is repealed. Repeal

CHAPTER 1553

An act to repeal Section 2 of Chapter 1740 of the Statutes of 1953, relating to vehicle registration fees.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.] In effect September 7, 1955

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

SECTION 1. Section 2 of Chapter 1740 of the Statutes of 1953 is repealed.

CHAPTER 1554

An act to amend Section 7401 of the Education Code, relating to School district indebtedness, including indebtedness for state school building aid.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 7401 of the Education Code is amended to read:

7401. Except as otherwise provided by law, the governing board of any school district may, when in its judgment it is advisable, and shall, upon a petition of the majority of the qualified electors residing in the school district, call an election and submit to the electors of the district the question whether the bonds of the district shall be issued and sold for the purpose of raising money for the following purposes:

(a) The purchasing of school lots.

(b) The building or purchasing of school buildings.

(c) The making of alterations or additions to the school building or buildings other than such as may be necessary for current maintenance, operation, or repairs.

(d) The repairing, restoring, or rebuilding of any school building damaged, injured, or destroyed by fire or other public calamity.

(e) The supplying of school buildings with furniture or necessary apparatus of a permanent nature.

(f) The permanent improvement of the school grounds.

(g) The refunding of any outstanding valid indebtedness of the district, evidenced by bonds, or of state school building aid loans.

(h) The carrying out of the projects or purposes authorized in Section 18010.

Any one or more of the purposes enumerated, except that of refunding any outstanding valid indebtedness of the district evidenced by bonds, may, by order of the governing board entered in its minutes, be united and voted upon as one single proposition.

CHAPTER 1555

An act to add Section 1060.5 to the Code of Civil Procedure, relating to declaratory actions to determine residence.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 1060.5 is added to the Code of Civil Procedure, to read:

1060.5. Any individual claiming to be a nonresident of the State of California for the purposes of the Personal Income Tax Law may commence an action in the Superior Court in the County of Sacramento, or in the County of Los Angeles, or in the City and County of San Francisco, against the Franchise Tax Board to determine the fact of his residence in this State under the conditions and circumstances set forth in Section 19081 of the Revenue and Taxation Code.

CHAPTER 1556

An act to amend Sections 44 and 44.1 of the Vehicle Code, relating to authorized emergency vehicles.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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, district attorney, or deputy sheriff, or deputy constable, or deputy district attorney, or district attorney investigator, inspector, or detective, 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 of any fire department established on any base of the armed forces of the United States, 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 of any fire department established on any base of the armed forces of the United States, or 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 Commissioner 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 Commissioner 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 Commissioner 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:

Same
Privately owned vehicles

44.1. Authorized Emergency Vehicle, Privately Owned. 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, district attorney, or deputy sheriff, or deputy constable, or deputy district attorney, or district attorney investigator, inspector, or detective regularly employed by the county, or by a marshal or deputy marshal of a municipal court, and such vehicles shall be "authorized emergency vehicles," but only under each and all of the following conditions:

1. When such vehicle has a permit from the Commissioner of the California Highway Patrol.

2. When said vehicle has affixed to the license plates thereon distinguishing signs of a type approved by the Commissioner 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 1557

An act to amend Section 8102 of the Education Code, relating to the definition of a school month.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955]

In effect September 7, 1955

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

SECTION 1. Section 8102 of the Education Code is amended to read:

8102. A school month is 20 days or four weeks of five days each, including legal holidays; provided, however, that in a unified district under the control of the Board of Education of a city and county for the purposes of counting attendance only in providing for a school calendar the Christmas vacation period, or any portion thereof, may be excluded by the school district in the definition of a school month.

CHAPTER 1558

An act to amend Section 1535.1 of the Military and Veterans Code, relating to civil defense.

[Approved by Governor July 1, 1955 Filed with Secretary of State July 5, 1955]

In effect September 7, 1955

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

SECTION 1. Section 1535.1 of the Military and Veterans Code is amended to read:

1535.1. The Governor may make, amend, and rescind the necessary orders, rules, and regulations to carry out the pro-

visions of this chapter with due consideration of the plans of the Federal Government. The Governor may also provide by such orders, rules, and regulations for the calling of test exercises and the granting of permission to political subdivisions to call test exercises either singularly or jointly whenever, in the opinion of said political subdivisions, such test exercises are needed; provided, however, that with respect to any such test exercises no one shall have power to command the assistance of any private citizen, and the failure of a citizen to obey any order or regulation pertaining to a test exercise shall not constitute a violation of any law. Any such order, rule, or regulation made by the Governor shall have the force and effect of law upon being filed in the Office of the Secretary of State as hereinafter provided. Any orders, rules, and regulations, or amendments or rescissions thereof, made in the absence of a period of a state of extreme emergency shall be in writing, shall be exempt from the provisions of the Administrative Procedure Act (Chapters 4 and 5, Part 1, Division 3, Title 2, of the Government Code), but shall be subject to the approval of the Disaster Council, and shall take effect immediately upon such approval. As soon thereafter as possible they shall be filed in the Office of the Secretary of State. The Governor shall cause widespread publicity and notice to be given to such orders, rules, and regulations, or amendments or rescissions thereof.

CHAPTER 1559

An act to amend Section 515.5 of the Vehicle Code, relating to the speed of motor vehicles towing other vehicles.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 515.5 of the Vehicle Code is amended to read:

515.5. Speed of Motor Vehicle with Trailer or Semitrailer. Whenever a passenger motor vehicle regardless of weight or commercial motor vehicle weighing less than 4,000 pounds is drawing a trailer coach, trailer, semitrailer, or other type vehicle the maximum speed shall not at any time exceed 45 miles per hour subject to other and more restrictive limits set forth in this code.

CHAPTER 1560

An act to amend Section 161 of the Agricultural Code and Section 1155.5 of the Fish and Game Code, relating to predatory animal control.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 161 of the Agricultural Code is amended to read:

Predatory animal control

161. The director may employ hunters and trappers throughout the State to control or eradicate coyotes and other harmful predatory animals, and to shoot or trap bears which are damaging livestock, agricultural crops, or standing timber and to control bears in accordance with Section 1340.8 of the Fish and Game Code. For this purpose he may enter into contracts with the Fish and Wildlife Service of the United States Department of the Interior to enlist the support of the Federal Government, and may prescribe the manner, terms, and conditions of such cooperation.

Federal cooperation

Donations

The director may accept, on behalf of the State, donations of money from any person, board of supervisors, or other agency interested in the control of coyotes and other predatory animals. All such moneys shall be paid into the State Treasury and credited to the Department of Agriculture Fund. Moneys thus made available by any board of supervisors shall be expended solely within the boundaries of the county making the appropriation, unless otherwise authorized by the board of supervisors. All other donations shall be applied to the particular locality in which the donors are interested, unless they specifically consent to their use in other localities.

SEC. 2. Section 1155.5 of the Fish and Game Code is amended to read:

Taking predatory birds and animals

1155.5. Notwithstanding the provisions of Section 1155, predatory birds and predatory mammals and black-tailed jack rabbits which are found to be injuring growing crops or property may be taken at any time or in any manner by the owner or tenant of the premises or such species may be so taken by federal, state or county officers or employees when acting in their official capacities pursuant to provisions of the Agricultural Code pertaining to pests, or pursuant to the provisions of Section 139.5 of said code.

CHAPTER 1561

An act to add Section 960.5 to the Streets and Highways Code, relating to abandonment of county highways.

In effect September 7 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 960.5 is added to the Streets and Highways Code, to read as follows:

960.5. The term "county highway" as used in Sections 954 to 960 4, inclusive, relating to abandonment, shall be deemed to include, but not be limited to, any public highway, road, street, avenue, alley, lane, drive, way, place, court or trail, or any purported county highway, public highway, road, street, avenue, alley, lane, drive, way, place, court or trail.

CHAPTER 1562

An act to amend Sections 5663.1, 5663.2, 5663.3 of the Public Resources Code, to add Article 6.5 to Chapter 5 of Division 3 of the Health and Safety Code, to add Chapter 4 to Part 7 of Division 3 of Title 5 of the Government Code, to add Chapter 4 to Part 7 of Division 2 of Title 6 of the Government Code, and to amend Section 19290 of the Streets and Highways Code, relating to the withdrawal of territory from special districts.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 5663.1 of the Public Resources Code is amended to read:

Park, recreation and parkway districts—Annexation or withdrawal Resolution

5663.1. If it determines to annex to or withdraw from the district any territory it shall so declare by resolution. The annexation or withdrawal shall be effective upon the date of the adoption of the resolution unless more than 1 percent of the total number of voters living within the territory to be annexed to the district have at or prior to the hearing filed written objections to the annexation, or more than 1 percent of the total number of voters residing in the territory proposed to be withdrawn have at or prior to the hearing filed written objections to the withdrawal. If written objection to the proposed annexation or withdrawal is made by the number of voters specified in this section, the resolution of annexation or withdrawal shall not be effective until it is approved by a majority vote of the voters of the entire district. An election shall be called for that purpose by the governing body not later than 60 days after

Objection

Election

the adoption of the resolution. If so approved, the territory is annexed or withdrawn, as the case may be.

SEC. 2. Section 5663.2 of the Public Resources Code is amended to read:

Withdrawal of district within city

5663.2. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion may be withdrawn from the district. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, and the county assessor, of copies of a resolution of the legislative body of the city, describing the included portion, and declaring such portion withdrawn.

SEC. 3. Section 5663.3 of the Public Resources Code is amended to read:

Disposition of property and funds on withdrawal

5663.3. Upon the withdrawal of any territory of a district, all property acquired for the district and all unencumbered funds on the date of withdrawal, including all taxes levied and collected by the district in any year in which taxes are levied and collected by the district after the date of withdrawal on property withdrawn from the district, 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. For the purpose of this article, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected accounts belonging to or due such district, in excess of an amount sufficient to pay all claims and accounts against the district. Territory withdrawn from a district shall continue to be liable for such portion of the bonded indebtedness of the district incurred before the withdrawal as it would have been liable for had it not withdrawn.

SEC. 4. Article 6.5, entitled "Withdrawal," is added to Chapter 5 of Division 3 of the Health and Safety Code, to read:

Article 6.5. Withdrawal

Mosquito abatement districts Withdrawal of district within city

2350. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion may be withdrawn from the district.

When effective

2351. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, and the county assessor, of copies of a resolution of the legislative body of the city, describing the included portion, and declaring such portion withdrawn.

SEC. 5. Chapter 4 is added to Part 7 of Division 3 of Title 5 of the Government Code, to read:

CHAPTER 4. WITHDRAWAL OF UNINCORPORATED TERRITORY

Community services districts— Withdrawal of territory by title holder Petition

60930. Any holder of title of territory included in a district may file a written petition with the secretary for the withdrawal of such territory from the district because his territory is not benefited by the services rendered by the district.

60931. The petition shall be signed by the holder of title and shall contain a description of the land proposed to be withdrawn.

Evidence of ownership

60932. The last equalized assessment roll of each county containing land proposed by the petition to be withdrawn is prima facie evidence of the ownership of the land in the county proposed to be withdrawn and the name of the holder of title to the land.

Board action

60933. The secretary shall promptly transmit the petition to the board and the board shall consider, and approve or disapprove, such petition at its regular meeting following the filing of the petition. If a majority of the board finds that the territory will not benefit by remaining in the district, the board, by resolution, shall exclude such territory from the district. The resolution shall describe such territory.

Liability for indebtedness

60934. Upon the adoption of the resolution, such territory is no longer a part of the district, except, if there is district indebtedness or district expense outstanding and owing on the date of the adoption of the resolution, the property within any territory so excluded from the district shall nevertheless remain liable for assessment and payment of the tax for its pro rata share thereof until the extinguishment of such indebtedness or expense.

SEC. 6. Section 19290 of the Streets and Highways Code is amended to read:

Highway lighting districts· Withdrawal of district within city

19290. Whenever any portion of a district is included within a city by reason of incorporation, annexation, or otherwise, such portion may be withdrawn from the district. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the governing body of the district, and the county assessor, of copies of a resolution of the legislative body of the city, describing the included portion, and declaring such portion withdrawn. Upon the withdrawal of any territory of a district, all property acquired for the district and all unencumbered funds on the date of withdrawal, including all taxes levied and collected by the district in any year in which taxes are levied and collected by the district after the date of withdrawal on property withdrawn from the district, 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. For the purpose of this article, the unencumbered funds are the sum of money, uncollected taxes, and other uncollected accounts belonging to or due such district, in excess of an amount sufficient to pay all claims and accounts against the district.

SEC. 7. Chapter 4 is added to Part 7 of Division 2 of Title 6 of the Government Code, to read:

Community services districts— Withdrawal of territory by title holder Petition

CHAPTER 4. WITHDRAWAL OF UNINCORPORATED TERRITORY

61930. Any holder of title of territory included in a district may file a written petition with the secretary for the with-

drawal of such territory from the district because his territory is not benefited by the services rendered by the district.

61931. The petition shall be signed by the holder of title and shall contain a description of the land proposed to be withdrawn.

Evidence of ownership

61932. The last equalized assessment roll of each county containing land proposed by the petition to be withdrawn is prima facie evidence of the ownership of the land in the county proposed to be withdrawn and the name of the holder of title to the land.

Board action

61933. The secretary shall promptly transmit the petition to the board and the board shall consider, and approve or disapprove, such petition at its regular meeting following the filing of the petition. If a majority of the board finds that the territory will not benefit by remaining in the district, the board, by resolution, shall exclude such territory from the district. The resolution shall describe such territory.

Liability for indebtedness

61934. Upon the adoption of the resolution, such territory is no longer a part of the district, except, if there is district indebtedness or district expense outstanding and owing on the date of the adoption of the resolution, the property within any territory so excluded from the district shall nevertheless remain liable for assessment and payment of the tax for its pro rata share thereof until the extinguishment of such indebtedness or expense.

Effect Stats 1955, Ch 1746

SEC. 8. Section 7 of this act shall become operative only if Senate Bill 1714 of the 1955 General Session is enacted into law, and in such case at the same time as said Senate Bill 1714 takes effect; at which time Section 5 of this act is repealed.

CHAPTER 1563

An act to amend Section 12751 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 12751 of the Public Utilities Code is amended to read:

12751. The purchase of all supplies and materials, when the expenditure required exceeds four thousand dollars ($4,000), shall be by contract let to the lowest responsible bidder. Notice requesting bids shall be published at least once in a newspaper of general circulation, which publication shall be made at least 10 days before bids are received. The board may reject any and all bids and readvertise in its discretion.

CHAPTER 1564

An act to amend Section 890 of the Military and Veterans Code, relating to educational assistance to veterans' dependents.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 890 of the Military and Veterans Code is amended to read:

890. As used in this article:

(a) "Veterans" means any person who served in the Army, Navy, or Marine Corps of the United States and was killed in action or died as a result of war service in the World War since April 6, 1917, or any member of the Army, Navy, Coast Guard or Marine Corps of the United States, or any of their auxiliaries who was killed in action in World War II on or after December 7, 1941, and prior to January 1, 1947, or who died at any time as a result of war service during such period, or any member of the armed forces of the United States who was killed in action during any period of hostilities in which the United States is engaged, or who died at any time as a result of active service during any such period.

(b) "Dependent of a veteran" means the natural or adopted child of a veteran, or stepchild of a veteran who was actually supported by the veteran immediately preceding the war service connected disability which caused the veteran's death, or the unmarried widow of a veteran.

CHAPTER 1565

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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, and cities, and the following districts and authorities:

Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
Cemetery districts
Citrous pest control districts

Community service districts
Conservancy districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County sewerage and water districts
County water authorities
County water districts
County waterworks districts
Drainage districts
Fire protection districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Public cemetery districts
Public utility districts
Reclamation districts
Recreational harbor districts
Recreation, park and parkway districts
Regional park districts

River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Storm water districts
Unified air pollution control districts
Vehicle parking districts
Veterans' memorial districts
Water conservation districts
Water districts
Water storage districts
Weed abatement districts
Zones of flood control districts

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

"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.

Legally organized public bodies 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.

Legally established 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.

Acts, etc., legally effective 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 or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body 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 or of the withdrawal or exclusion of such territory.

Same 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.

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.

Legislative authorization of past acts supplied

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.

Limitation

(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.

Creation of city or district

(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.

Acts under legal contest excepted

(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 or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective, 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 mu-

nicipal 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.

Contracts between U S and district

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

Definitions

SEC. 7. 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. 8. This act may be cited as the Third Validating Act of 1955.

CHAPTER 1566

An act to add Section 32245 to the Water Code, relating to continued taxability for outstanding bonds of territory excluded from county water districts.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 32245 is added to the Water Code, to read:

32245. Property in territory excluded from the district in any manner under the provisions of this chapter, or otherwise, shall continue to be subject to taxation to pay the principal and interest on bonds of the district, and on bonds of any improvement district therein in which said property is situated, outstanding at the time of such exclusion.

CHAPTER 1567

An act to amend Section 31460 and to repeal Sections 31462, 31463, 31464 and 31465 of the Water Code, relating to callable bonds of county water districts.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 31460 of the Water Code is amended to read:

31460. Any bonds issued by the district may be subject to call and redemption prior to maturity at such times and prices and upon such other terms as the board may specify.

SEC. 2. Sections 31462, 31463, 31464 and 31465 of said code are repealed.

CHAPTER 1568

An act to amend Section 32002 of the Health and Safety Code, relating to the formation of hospital districts.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 32002 of the Health and Safety Code is amended to read:

32002. The manner of formation of local hospital districts, the conducting of elections, the annexation and exclusion of territory and the consolidation and dissolution of such districts unless otherwise provided herein shall be as in the manner provided by Chapter 1, Title 6 of the Government Code. All of the provisions of said chapter are hereby incorporated in this division by reference and shall have the same effect and force as if fully set forth herein. For the purposes of said chapter, the requisite number of petitioners or protestants in a proceeding for the exclusion of territory from the district shall be, unless otherwise prescribed in this division, 15 percent of the total number of registered voters in the territory affected by the petition or proposal but not less than 15, such number to be determined by the clerk as of the date that he affixes his certification to the petition. In addition to all other requirements regarding formation of hospital districts, no hearing upon the petition to form a hospital district shall be held until there shall have been filed with the supervising authority a certificate from the State Department of Public Health stating its findings in accordance with the standards established for allocated funds under the California Hospital Survey and Construction Act, upon the following facts:

(a) The need for hospital beds in the hospital service area to be served.

(b) The fulfillment of needs in the service area based upon hospital beds in existence or under construction.

(c) Upon request of the supervising authority the State Department of Public Health shall furnish its findings regarding (a) and (b).

CHAPTER 1569

An act to amend Section 12025 of the Education Code, relating to accrediting of teacher education institutions.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 12025 of the Education Code is amended to read:

12025. The State Board of Education shall accredit any teacher education institution meeting such standards as may be prescribed by this board as an institution authorized to give the training required for credentials and to recommend to the State Board of Education the issuance of such credentials to persons who have successfully completed prescribed requirements.

The State Board of Education may appoint an accreditation committee of not more than 20 members who shall be educators. The members of such committee shall receive no compensation but shall be allowed actual traveling expenses.

CHAPTER 1570

An act to add Section 227 to the Labor Code, relating to payments by employers into employee benefit funds.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 227 is added to the Labor Code, to read:

227. Whenever an employer has agreed with any employee to make payments to a health or welfare fund or other such plan for the benefit of the employees, or has entered into a collective bargaining agreement providing for such payments, it shall be unlawful for such an employer wilfully or with intent to defraud to fail to make the payments required by the terms of any such agreement. A violation of any provision of this section is a misdemeanor.

CHAPTER 1571

An act to add Section 3575 to the Public Utilities Code, relating to regulation of highway carriers by the Public Utilities Commission.

In effect September 7, 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 3575 is added to the Public Utilities Code, to read:

3575. Every highway contract carrier and every radial highway common carrier who engages subhaulers or leases equipment shall file with the commission a bond, the amount of which shall be determined by the commission but which shall

be not less than two thousand dollars ($2,000), executed by a qualified surety insurer, subject to the approval of the commission, which bond shall secure the payment of the claims of subhaulers and lessors of the highway carrier; provided, however, that the aggregate liability of the surety for all such claims shall, in no event, exceed the sum of such bond.

CHAPTER 1572

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, declaring the urgency of this act, to take effect immediately.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.] In effect immediately

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

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

(a) The term "public body" means counties, cities and counties, and cities, and the following districts and authorities: "Public body"

Air pollution control districts
Airport districts
Assessment districts
Bridge and highway districts
Cemetery districts
Citrous pest control districts
Community service districts
Conservancy districts
County fire protection districts
County maintenance districts
County power pumping districts
County sanitation districts
County sewerage and water districts
County water authorities
County water districts
County water works districts
Drainage districts
Fire protection districts
Flood control districts
Garbage and refuse disposal districts
Garbage disposal districts
Harbor districts
Harbor improvement districts
Highway districts
Highway lighting districts
Horticultural protection districts
Horticultural development districts
Irrigation district distribution districts
Irrigation district improvement districts

Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Public cemetery districts
Public utility districts
Reclamation districts
Recreational harbor districts
Recreation park and parkway districts
Regional park districts
River port districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Storm water districts
Unified air pollution control districts
Vehicle parking districts
Veterans' memorial districts
Water conservation districts
Water districts
Water storage districts
Weed abatement districts
Zones of flood control districts

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

"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.

Legally organized public bodies

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.

Legally established 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.

Acts, etc., legally effective

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 or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body 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 or of the withdrawal or exclusion of such territory.

Same

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.

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.

Legislative authorization of past acts supplied

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.

Limitation

(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.

Creation of city or district

(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.

Acts under legal contest excepted

(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 or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective, 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.

Contracts between U S and district

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

Definitions

SEC. 7. 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. 8. This act may be cited as the Second Validating Act of 1955.

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:

The peace, health and safety of the citizens of the State require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and

essential that such matters be validated so that during the period before this act would otherwise become effective:

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

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

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

CHAPTER 1573

An act for the development of tidelands in the south bayshore tidelands area by authorizing certain improvements in and about south bayshore tidelands and submerged lands, and as a means thereof creating a reclamation district to be called and known as "Hunters Point Reclamation District," fixing the boundaries thereof, providing for the management and control thereof, vesting certain powers therein and authorizing a method for the reclamation of the lands in said district, and dissolving any reclamation district wholly situate within the boundaries of said Hunters Point Reclamation District.

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

In effect September 7, 1955

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

Hunters Point Reclamation District Creation

SECTION 1. Finding that a compelling economic necessity exists for the reclaiming, drainage, and development of tidelands and submerged lands now lying in the district hereinafter described, as has been recently avowed by Resolution No. 15466 (Series of 1939) passed by the Board of Supervisors of the City and County of San Francisco at its meeting of April 18, 1955, and approved by the Mayor of the City and County of San Francisco on April 20, 1955, which area now serves no useful purpose for industry, commerce, or naviga-

tion, there is hereby created a reclamation district to be called and known as "Hunters Point Reclamation District," with the powers and duties, and exterior boundaries as hereinafter described and set forth.

Boundaries

SEC. 2. The Hunters Point Reclamation District shall comprise those certain pieces, lots or parcels of land, streets and canals, or portions thereof, lying within the City and County of San Francisco, State of California, and within that territory whose exterior boundaries are described as follows:

"All that area bounded on the north by the northerly line of Yosemite Avenue, formerly Twenty-fourth Avenue, as shown on that certain map entitled 'Map of the Salt Marsh and Tide Lands and Lands Lying Under Water South of Second Street and Situate in the City and County of San Francisco, Prepared by Order of the Board of Tide Land Commissioners in Accordance With the Act Entitled—An Act to Survey and Dispose of Certain Salt Marsh and Tide Lands Belonging to the State of California—approved March 30, 1868'; on the east by the easterly line of Water Front Street as shown on said map; on the south by the south line of the City and County of San Francisco to a point thereon on the west which bears north 54° 29′ west 426.54 feet along the southerly line of Sampson Avenue (formerly Forty-third Avenue), south 44° 40′ 48″ west 178.75 feet, south 46° 10′ 48″ west 256.92 feet, and south 32° 07′ 48″ west 16.16 feet from the intersection of said line of Sampson Avenue with the westerly line of Earl Street (formerly "E" Street) as said avenue and street are shown on said map above referred to; thence north 32° 07′ 48″ east 16.16 feet; thence north 46° 10′ 48″ east 256.92 feet; thence north 44° 40′ 48″ east 178.75 feet to the intersection of said southerly line of Sampson Avenue with the line of the tide lands survey as shown on above referred to map; thence in a general northerly direction along said tide lands survey line to the said northerly line of Yosemite Avenue and the northerly line of area herein described."

Management and control

SEC. 3. Except as otherwise provided in this act, the management and control of said Hunters Point Reclamation District is hereby made subject to the provisions of Division 15 of the Water Code, relating to reclamation districts.

Same Trustees

SEC. 4. The management and control of Hunters Point Reclamation District shall be vested in three trustees, Mr. Sherman B. Duckel, Mr. E. Elmore Hutchison, and Mr. Parker M Holt, and they are hereby appointed trustees for said Hunters Point Reclamation District. They shall hold office for a term of four years and until their successors are elected or appointed and qualified. The election of said trustees shall be in accordance with the provisions of Division 15 of the Water Code, and upon such notices as are required thereby. In the case of any vacancy in the office of trustees of said district the Mayor of the City and County of San Francisco, State of

California, shall appoint some person as trustee who shall hold said office until the next election.

Principal office

SEC. 5. The office and the principal place of business in said district shall be in the City and County of San Francisco, and in such place as the board of trustees may from time to time fix. All funds of said district shall be deposited with the City and County Treasurer of the City and County of San Francisco, and be placed by him to the credit of the district in a special fund to be known as the "Hunters Point Reclamation District Fund" and shall be disbursed by the treasurer of said city and county in payment of the warrants of the district.

Deposit of funds

Jurisdiction

SEC. 6. The Board of Supervisors of the City and County of San Francisco shall have jurisdiction of all matters concerning said district to the same extent as if the said district were formed under Division 15 of the Water Code, except as otherwise provided in this act.

By-laws

SEC. 7. A majority of the board of trustees of said district shall adopt by-laws, not inconsistent with the laws of the State of California, for the government and control of the affairs of the district. The by-laws thus adopted must be signed by a majority of the board of trustees, and must be filed by them with the County Recorder of the City and County of San Francisco, and recorded in a book kept for the purpose of recording instruments and writings relating to reclamation. The by-laws thus adopted may be amended at any time in the same manner that the original by-laws were adopted.

Board officers, employees etc

SEC. 8. The board of trustees may elect one of its members president thereof, may elect one of its members or any other person secretary thereof, may employ such personnel and legal counsel as may be necessary, and may employ engineers and others to survey, plan, locate and estimate the cost of work necessary for the reclamation of the lands of the district and to render all other necessary services, and may fix or agree upon their compensation and provide for the payment thereof as an expense of said district.

Powers Reclamation etc

SEC. 9. The Hunters Point Reclamation District shall have power to reclaim and protect the lands of said district by making, constructing and maintaining such fills, drains, canals, sluices, bulkheads, water gates, levees, embankments and pumping plants as in the opinion of said trustees are or may be necessary to the general plan or plans decided upon by said trustees for the reclamation of said district, and may contract for such material, supplies, labor and machinery as may be necessary for those purposes. The district may fill the lands of the district in private ownership and the streets lying therein and thereby raise them to the official street grades as the same may be now or hereafter legally established, and, to that end, may, if necessary, obtain the right to do so by purchase, by agreement with the owners thereof, by condemnation or other legal means. The district may secure material to

make such fills by contract or agreement with the United States and State of California and any department, bureau, agency, or authorized officer or agent of either or both, including the State Lands Commission of the State of California, and with the City and County of San Francisco, or any department, bureau, agency, or authorized officer or agent thereof, or with any other person, firm or corporation. The Legislature of the State of California hereby declares that it is necessary for the reclamation of the lands of said district not only that the proper drains, canals, sluices, bulkheads, water gates, levees and embankments and other usual works be constructed and maintained but that the lands thereof in private ownership and the streets lying therein be filled and raised to the official street grades as the same are now or may be hereafter legally established.

Grants

SEC. 10. The State Lands Commission is hereby authorized to grant to this district or to any person, persons, or corporations, parcels of land, held by the State of California, lying and being in the City and County of San Francisco, upon there being granted to the State of California all right, title and interest of the district or of such person, persons, or corporations in other parcels of land lying and being in the City and County of San Francisco, except that in no event shall any state-owned lands be granted while they are submerged or during such time as they are within 150 feet of any submerged lands and except that adequate access shall at all times be retained to the then existing waterfront. Such lands to be conveyed to the State shall be of equal or greater value than lands conveyed by the State. The State Lands Commission shall determine the land to be conveyed by, and granted to the State of California and the value of lands so respectively conveyed by and granted to, the State of California, which determination shall be final, and, in the event of a deficiency in value of lands conveyed to the State, the State Lands Commission is authorized to accept cash in lieu of land, for the purpose of equalizing values.

Powers Reclamation plan and accomplishment

SEC. 11. The board of trustees of said district shall have power to adopt a plan or plans for the reclamation of said district, and thereafter at any time in its discretion may modify or change such original plan or plans, or adopt new, supplemental or additional plan or plans, when in its judgment the same shall have become necessary. The said district shall have power to acquire by lease, purchase, agreement, condemnation or other legal means, all property, easements, rights of way and the right to take material for the construction of all works necessary for the accomplishment of its object, and the right to contract for all necessary labor, supplies, material and machinery and to lease or acquire by purchase, agreement, condemnation or other legal means, any works of reclamation, including drains, canals, sluices, bulkheads, water gates, levees, embankments and pumping plants which in the opinion of said board of trustees are or may be

necessary to the general plan or plans decided upon by said trustees for the reclamation of said lands. The district shall also have the right and power to join with other reclamation districts, levee districts, or swamp land districts, with the United States, the State of California, the City and County of San Francisco, or any of their departments, bureaus, agencies or authorized officers or agents, with the said State Lands Commission of the State of California, or with other persons in the construction and maintenance of reclamation works and to contract for the same and to do all other acts incident or necessary, in the opinion of said board of trustees, to the reclamation of the lands of said district. Hunters Point Reclamation District and its board of trustees shall have all the rights and privileges and may exercise all the powers any reclamation district or its trustees may have or exercise under Division 15 or any other provision of the Water Code relating to reclamation districts, or under any general laws of the State of California relating to reclamation districts, and to provide for the costs of the works of reclamation and the other authorized expenses of said Hunters Point Reclamation District assessments may be made and levied upon the lands in said district and become a charge and lien thereon, warrants may be drawn and issued, and a bonded indebtedness may be created and bonds therefor may be executed, sold and issued in the manner authorized by said provisions of the Water Code or by the provisions of general laws relating to reclamation districts.

Limitations

SEC. 12. Nothing contained in this act shall authorize the filling or raising of any streets lying in said district to the official street grades as the same are now or may be hereafter legally established, unless the plans of said district therefor are first submitted to and approved by the board of supervisors of said City and County of San Francisco. Nor shall anything contained in this act affect the power of said City and County of San Francisco to open, extend, widen, pave, grade or otherwise improve or to close, abandon or otherwise dispose of any public highway in said district in the manner authorized by law.

Other districts dissolved

SEC. 13. Any reclamation district wholly situate within the boundaries of Hunters Point Reclamation District is hereby dissolved, except for the purpose of liquidation, if such be necessary, and the disposition of its property, if any there be, and for this purpose only is the existence of such a district continued. Any land situate within the boundaries of Hunters Point Reclamation District is hereby excluded from any such reclamation district.

Proceeding to test legality

SEC. 14. The board of trustees of Hunters Point Reclamation District may commence a proceeding in the Superior Court of the State of California in and for the City and County of San Francisco to determine the legality of the existence of said district and may prosecute such a proceeding to a final judgment therein in the manner authorized by the provi-

sions of the Water Code, and the other laws of the State of California applicable to such a proceeding.

Severability

SEC. 15. 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.

Limitation on applicability of other laws

SEC. 16. Whenever in this act this reclamation district has been made in any way subject to any provision of the Water Code or of any general law of the State of California relating to reclamation districts, the sections or provisions of the Water Code or of any general law referred to shall be such sections or provisions thereof as they read on the effective date of this act, except as otherwise provided in this act.

Short title

SEC. 17. This act may be cited as the Hunters Point Reclamation District Act.

CHAPTER 1574

An act to add Sections 2897, 2898, 2899, and 2900 to the Education Code, relating to the annexation of elementary school districts to union or joint union elementary school districts.

In effect September 7 1955

[Approved by Governor July 1, 1955. Filed with Secretary of State July 5, 1955.]

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

SECTION 1. Section 2897 is added to the Education Code, to read:

Assumption of indebtedness: Election

2897. Whenever it appears that the terms agreed upon by the trustees of the district seeking to be annexed and the union or joint union board include the assumption by the district to be annexed of its pro rata portion of any bonded indebtedness existing against the union or joint union school district, the board of supervisors shall call an election in the district proposing to assume the indebtedness for the purpose of determining whether the indebtedness shall be authorized and assumed.

SEC. 2. Section 2898 is added to said code, to read:

Conduct of election

2898. The election for the assumption by the district of its pro rata portion of any bonded indebtedness existing against the union or joint union school district shall be held in the same manner as are school district bond elections, except that the returns shall be made to the board of supervisors.

SEC. 3. Section 2899 is added to said code, to read:

Two-thirds vote

2899. Notwithstanding any provisions of this article to the contrary, unless it appears from the returns of the election

held pursuant to Section 2898 that two-thirds of the votes cast at such election are in favor of the assumption by the district seeking to be annexed of its pro rata portion of the bonds, the district shall not be annexed to the union or joint union school district.

SEC. 4. Section 2900 is added to said code, to read:

2900. If the bonded indebtedness is assumed by the annexed district, all levies of taxes made for the payment of the bonds and interest thereon, shall be upon the property of the annexed district at the same rate as levied upon the property of the original union or joint union school district. Tax levy

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CHAPTER 1575

An act to amend Sections 430.2, 430.4, 430.6, 432.3 and 435.6 of, and to add Sections 430.9, 430.10, 430.11, and 430.12 to, and to repeal Section 432.6, as added by Chapter 327 of the Statutes of 1947, of, the Health and Safety Code, relating to the survey and construction of hospitals, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1955. Filed with Secretary of State July 6, 1955.] In effect immediately

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

SECTION 1. Section 430.2 of the Health and Safety Code is amended to read:

430.2. "The federal act" includes Public Law 725 of the Seventy-ninth Congress, approved August 13, 1946, entitled the Hospital Survey and Construction Act, as amended by Public Law 482 of the Eighty-third Congress, approved July 12, 1954, entitled the Medical Facilities Survey and Construction Act of 1954, and any other law now enacted by Congress concerning hospitals as defined in this article. "The federal act"

SEC. 2. Section 430.4 of said code is amended to read:

430.4. "Hospital" includes hospitals for the chronically ill and impaired, public health centers and general, tuberculosis, mental, and other types of hospitals and related facilities, such as laboratories, outpatient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals, diagnostic or treatment centers, nursing homes, and rehabilitation facilities, but does not include any institution furnishing primarily domiciliary care. "Hospital"

SEC. 3. Section 430.6 of said code is amended to read:

430.6. "Nonprofit hospital," "nonprofit diagnostic or treatment center," "nonprofit rehabilitation facility," and "nonprofit nursing home" mean any hospital, diagnostic or treatment center, rehabilitation facility, and nursing home, as "Nonprofit hospital," etc.

the case may be, which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, or a hospital publicly owned or operated by a public entity or agency of this State.

SEC. 4. Section 430.9 is added to said code, to read:

"Diagnostic or treatment center"

430.9. "Diagnostic or treatment center" means a facility for the diagnosis or diagnosis and treatment of ambulatory patients (1) which is operated in connection with a hospital, or (2) in which patient care is under the professional supervision of persons licensed to practice medicine or surgery in the State, or, in the case of dental diagnosis or treatment, under the professional supervision of persons licensed to practice dentistry in the State.

SEC. 5. Section 430.10 is added to said code, to read:

"Hospital for the chronically ill and impaired"

430.10. "Hospital for the chronically ill and impaired" shall not include any hospital primarily for the care and treatment of mentally ill or tuberculous patients.

SEC. 6. Section 430.11 is added to said code, to read:

"Rehabilitation facility"

430.11. "Rehabilitation facility" means a facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical, psychological, social, and vocational evaluation and services under competent professional supervision, and in the case of which (1) the major portion of such evaluation and services is furnished within the facility; and (2) either (a) the facility is operated in connection with a hospital, or (b) all medical and related health services are prescribed by, or are under the general direction of, persons licensed to practice medicine or surgery in the State.

SEC. 7. Section 430.12 is added to said code, to read:

"Nursing home"

430.12. "Nursing home" means a facility for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing care and related medical services (1) which is operated in connection with a hospital, or (2) in which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State.

SEC. 8. Section 432.3 of said code is amended to read:

State plan

432.3. The department shall prepare and submit to the Surgeon General a state plan, and any revisions thereof or supplements thereto, which shall include the hospital construction program developed under this article, and which shall provide for the establishment, administration, and operation of hospital construction activities in accordance with the requirements of the federal act and regulations thereunder.

Repeal

SEC. 9. Section 432.6 of said code, as added by Chapter 327 of the Statutes of 1947, is repealed.

SEC. 10. Section 435.6 of said code is amended to read:

435.6. The amount of state assistance which shall be provided to any public agency for any hospital under this article shall be a sum equal to the assistance received by the agency for its project under the federal act, but in no event shall the amount of the state assistance exceed one-third of the cost of construction of the project. Amount of state assistance

SEC. 11. There is hereby appropriated one million five hundred six thousand six hundred forty-four dollars ($1,506,644) from the General Fund for the Department of Public Health, of which amount fifteen thousand five hundred thirty-nine dollars ($15,539) shall be in augmentation of Item 194, Budget Act of 1955, and one million four hundred ninety-one thousand one hundred five dollars ($1,491,105) together with the appropriation made by Item 411, Budget Act of 1955, to be made available to all public agencies as defined in Sections 435 and 435.1 of the Health and Safety Code in amounts which shall not exceed the amounts specified in Section 435.6 of the Health and Safety Code. Appropriation

SEC. 12. 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

Present hospital and related facilities in California are inadequate to meet the needs of the ever-increasing population of this State, and in many portions of the State there exists a critical shortage of such facilities. This act will make the provisions of state law conform with the provisions of the new federal Medical Facilities Survey and Construction Act of 1954, thereby permitting the allocation of additional federal and state funds for the construction of certain types of hospital facilities. In order that these funds be made available and necesary construction begun as soon as possible with the resulting betterment to the health, safety, and welfare of the people of this State, it is essential that this act go into effect immediately.

CHAPTER 1576

An act to amend Section 4 of an act entitled "An act authorizing the acquisition by the Department of Public Works of the ferry system across Carquinez Straits between Benicia and Martinez, defining the powers and duties of the Department of Public Works in relation thereto, providing for the extension of State Highway Route 75 from Martinez to Benicia upon the acquisition of said ferry system, amending Sections 374 and 375 of the Streets and Highways Code in connection therewith, and declaring the urgency thereof, to take effect immediately," approved July 8, 1953, and Section 30701 of the Streets and Highways Code, relating to

the ferry system between the Cities of Benicia and Martinez, declaring the urgency thereof and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor June 30, 1955. Filed with Secretary of State July 6, 1955.]

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:

Deposits and expenditures

Sec. 4. Said department shall deposit all money received from the operation of the ferry system in the State Highway Fund to the credit of moneys allocated for maintenance of state highways. All costs of operation and maintenance of said ferry system, including the cost of any insurance authorized by this act, shall be paid out of the State Highway Fund from funds available to said department for the maintenance of state highways; provided, however, that in no event shall the amount expended from the State Highway Fund for such purposes during any one year exceed by more than one hundred thousand dollars ($100,000) the amount of money received from the operation of the ferry system. Expenditures for capital outlay shall be made by the department as found necessary to maintain ferry service. Such expenditures for capital outlay shall be considered expenditures for construction under Sections 188 and 188.4 of the Streets and Highways Code.

SEC. 2. Section 30701 of the Streets and Highways Code is amended to read:

Same

30701. The department shall deposit all money received from the operation of the ferry system in the State Highway Fund to the credit of moneys allocated for maintenance of state highways. The cost of operation and maintenance of the ferry system, including the cost of any insurance authorized by Section 30704, shall be paid out of the State Highway Fund from funds available to said department for the maintenance of state highways. In no event shall the amount expended from the State Highway Fund for such purposes during any one year exceed by more than one hundred thousand dollars ($100,000) the amount of money received from the operation of the ferry system. Expenditures for capital outlay shall be made by the department as found necessary to maintain ferry service. Such expenditures for capital outlay shall be considered expenditures for construction under Sections 188 and 188.4 of the Streets and Highways Code.

Effect Stats 1955, Ch 958

SEC. 3. Section 2 of this act becomes operative only if Article 3 is added to Chapter 2 of Division 17 of the Streets and Highways Code by the Legislature at its 1955 Regular Session, and in such case at the same time as said Article 3 takes effect, at which time Section 4 of the act cited in the title hereof, as amended by this act, is repealed.

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: Urgency

The vessel and the wharf facilities of the existing ferry system between the Cities of Benicia and Martinez are so far depreciated that continued maintenance of the ferry service is impossible unless replacement or reconstruction of such facilities is immediately undertaken. The maintenance of ferry service between the two cities is necessary particularly by reason of the existence and operation of the arsenal in the City of Benicia and the large industrial development in and around the City of Martinez. Employees of these facilities commute each day and continuation of the ferry service is essential to public welfare.

CHAPTER 1577

An act to amend Sections 2674 and 2686 of the Business and Professions Code, relating to the annual renewal fee for a license to practice physical therapy.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.] In effect September 7, 1955

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

SECTION 1. Section 2674 of the Business and Professions Code is amended to read:

2674. Licenses issued under this chapter shall be valid unless sooner revoked or suspended, for the current calendar year in which issued and shall expire on December 31st of such year but shall be renewable upon payment of the renewal fee by not later than February 15th of any such succeeding year. The renewal fee shall be set by the board on or before November 1st of each year for the ensuing calendar year at such sum which, when added to other estimated revenues for such year, will be sufficient to defray all estimated expenditures of the board for such year in administering and enforcing the provisions of this chapter, which sum, however, shall not exceed ten dollars ($10) nor be less than three dollars ($3). Failure to pay the renewal fee within the prescribed time shall result in the automatic suspension of the license.

SEC. 2. Section 2686 of said code as amended to read:

2686. Any license suspended under this chapter for failure of the license holder to pay a renewal fee may be reinstated by the board at any time on payment of a reinstatement fee of twenty-five dollars ($25).

CHAPTER 1578

An act to amend Section 2655 of the Business and Professions Code, relating to the compensation of members of the Physical Therapy Examining Committee.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 2655 of the Business and Professions Code is amended to read:

2655. Each member of the examining committee shall receive the sum of twenty-five dollars ($25) as compensation for each day spent in the discharge of official duties. In addition, each member shall be reimbursed for his necessary travel and other expenses incurred in the performance of his official duties.

CHAPTER 1579

An act to amend Section 28133 of the Government Code, relating to compensation for public service in counties of the thirty-third class.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 28133 of the Government Code is amended to read:

Yolo County officers Salaries

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:

1. The auditor, six thousand three hundred dollars ($6,300) a year.

2. The district attorney, six thousand dollars ($6,000) a year.

3. Each supervisor, four thousand dollars ($4,000) a year for all services performed by him as supervisor and member of the board of equalization, and the use of county automobiles in connection with the performance of official duties.

4. Grand jurors and trial jurors in the superior court in civil and criminal cases, shall receive as compensation for each day's attendance, per day, five dollars ($5); and trial jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, twenty-five cents ($0.25); and grand jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, fifteen cents ($0.15).

If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of the 1955 amendment of this section, such increase in compensation shall nevertheless be payable to the officers designated in this section as soon as it is legally competent to do so.

CHAPTER 1580

An act to amend Section 28 of the Water Conservation Act of 1931 (Chapter 1020 of the Statutes of 1931), relating to water district assessments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.] In effect immediately

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

SECTION 1. Section 28 of the Water Conservation Act of 1931 is amended to read:

Sec. 28. The board of directors must, on or before the tenth day of July of each fiscal year (hereinafter called the "ensuing fiscal year"), furnish the board of supervisors and the auditor of the county wherein the district is situated, or if such district is not entirely within one county, then, as hereinafter provided, to the supervisors and auditors of each county in which any portion of the district is situated, an estimate in writing of the amount of money needed for the purposes of the district for the ensuing fiscal year, for any reserve funds necessary for the first six months of the following fiscal year, and to provide for the prompt payment, when due, of principal of and interest on bonds. This amount must be sufficient to raise a sum of money which shall be sufficient to pay the incidental expenses of the district, and the costs of the work of spreading and sinking waters which the board of directors may deem advisable to be done during the ensuing fiscal year; the estimated costs of repairs to and maintenance of any property or works of the district; the amount of any indebtedness (other than bonded debt) of the district currently due or to become due in the ensuing fiscal year; the amount deemed necessary by the board of directors for reserve funds to meet the costs and expenses of the district during the first six months of the following fiscal year; the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken by the district, including the cost of employment of attorneys and engineers; and if bonds have been voted and sold by the district the board of directors shall include in said estimate an amount which together with any moneys available therefor in the bond fund shall be at least sufficient to pay all bond principal and interest coming due during the ensuing fiscal year and also during that part of the following fiscal year

Estimate of expenses

before the proceeds of an assessment tax levied at the time for making the general tax levy in such following fiscal year can be made available for the payment thereof, and such estimate each year shall include an amount clearly sufficient to provide for the payment of principal of and interest on bonds of the district as the same become due; and if bonds have been voted but not sold, and the board expects to sell such bonds prior to the end of the ensuing fiscal year there shall be included in such estimate an amount estimated to be sufficient to provide for the payment of all principal and interest of such unsold bonds which the board believes will come due during the ensuing fiscal year and also during that part of the following fiscal year before the proceeds of an assessment tax levied at the time for making the general tax levy in such following fiscal year can be made available for the payment thereof; and also if said district shall have voted a special assessment as provided in Section 35 hereof, the board shall include in said estimate the amount of the installment of said special assessment to be levied each year; and such estimate may also include such an amount as the board of directors may deem advisable to expend in the acquisition or construction of settling basins, wells, dams, reservoirs and other works for the storing, spreading and sinking of waters, together with canals, ditches, conduits and necessary rights of way for use of all such works; provided, however, that if at the time of making said estimates herein referred to the district shall not have voted a special assessment as provided for in Section 35 hereof and said district shall not have voted bonds as in this act provided, then the assessment levied during any year for the raising of said funds shall not exceed two and one-half ($2\frac{1}{2}$) mills on each one hundred cents (100¢) of the assessed values of the lands within the district, according to the last assessment rolls, but if a special assessment has been voted or if bonds have been voted by the district then the assessment for the payment thereof shall be in excess of the two and one-half ($2\frac{1}{2}$) mills on each one hundred cents (100¢) of the assessed values of the lands within the district; provided, however, that if the proceeds of bonds whether heretofore or hereafter voted for the acquisition of properties for, or the construction of, any works or projects of the district shall have been insufficient to pay the cost of such properties, works or projects, then in addition to the above mentioned assessments, an assessment may be levied not to exceed one (1) mill on each one hundred cents (100¢) of the assessed value of lands within the district for not to exceed five fiscal years, for the payment of the remaining cost of such properties, works or projects; provided, however, that at least 15 percent of the revenue each year from such special one (1) mill assessment shall be expended for the construction, improvement, maintenance, repair of roads or highways and acquisition of land and rights of way therefor, in the vicinity of the properties, works or projects, the remaining cost of which necessitates the assess-

ment; and provided further, that no district shall levy more than one such special one (1) mill assessment at any one time.

The words "following fiscal year" as used in this section mean that fiscal year which next follows the ensuing fiscal year. "Following fiscal year"

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

Water is all-important to the State of California, and there is urgent necessity for its conservation. The inability of water conservation districts in this State to plan for new or pay for past projects in the most efficient and economical fashion hampers these districts in this vital field. Where increases in costs of the acquisition, construction or completion of district improvements have intervened subsequent to the dates of bond elections, or the dates of sale of bonds, the result has been that districts could not complete improvements already authorized and undertaken. The immediate availability of this act will allow water conservation operations to proceed at maximum efficiency.

CHAPTER 1581

An act to add Sections 2626.1, 2665.5, and 2668.5 to, and to amend Section 2627 of, the Business and Professions Code, relating to physical therapists, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.] In effect immediately

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

SECTION 1. Section 2626.1 is added to the Business and Professions Code, to read:

2626.1. Any person who met all of the requirements of Section 2626 for registration and was qualified to register as a physical therapist under the provisions of that section, and who was a resident of this State on September 9, 1953, but who failed to apply to register within the one-year period prescribed in that section because of lack of knowledge or lack of notice of the registration requirements may be registered by the board without being required to take the examination prescribed by Section 2609 upon filing an application on or before December 31, 1955, and signing a proper affidavit to be prescribed by the board. Exemption from examination

SEC. 2. Section 2627 of said code is amended to read:

2627. All persons who have been administering physical therapy in the Medical Corps of the United States Army, in the Medical Service Corps of the United States Navy, or in Same Military service

the medical service of the United States Air Force, for a period of one year or more prior to the effective date of this chapter, and who hold certificates of completion of training in the physical therapy department of an Army, Air Force, or Navy hospital and can prove to the satisfaction of the board that they have satisfactorily completed training in physical therapy in the physical therapy department of an Army, Air Force, or Navy hospital, may also apply for and be granted registration without examination by the board. Applications for certificates under this section shall be filed with the board by December 31, 1955.

SEC. 3. Section 2665.5 is added to said code, to read:

Practice by unlicensed persons

2665.5. Notwithstanding any other provisions of this chapter, any person who is not licensed under this chapter may practice physical therapy for compensation received or expected until January 1, 1956.

SEC. 4. Section 2668 5 is added to said code, to read:

Exemption from examination

2668.5. Any person who met all of the requirements of Section 2668 for licensing and was qualified to be licensed as a physical therapist under the provisions of that section, but who failed to apply for licensing within the one-year period prescribed in that section because of lack of knowledge or lack of notice of the licensing requirements, may be licensed by the board without being required to take the examination prescribed by this chapter, upon filing an application on or before December 31, 1955, and signing a proper affidavit to be prescribed by the board; provided, he was a resident of this State on the effective date of this act.

Urgency

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

That with the ever increasing population of this State it is essential that all persons qualified to aid in safeguarding the health of the people be available for such aid and so that qualified physical therapists may, without undue delay, continue to aid in protecting the health of the people, it is essential that this act take effect immediately.

CHAPTER 1582

An act to amend Section 425 of the Education Code, relating to school superintendents' salaries in counties of the twenty-fifth class.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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 six thousand five hundred dollars ($6,500) until January 2, 1955. Thereafter the annual salary shall be seven thousand seven hundred dollars ($7,700). The superintendent shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

Santa Cruz County Superintendent of Schools Salary

CHAPTER 1583

An act to add Section 10001.5 to the Water Code, relating to the State Water Plan.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 10001.5 is added to the Water Code, to read:

10001.5. Notwithstanding any provisions of this article or any other provision of law to the contrary, the project known as the "Coloma Dam and Reservoir" constitutes no part of the State Water Plan.

In no event shall a permit to appropriate water be issued by the State for the purposes of a project which will flood any portion of the Gold Discovery Site State Park at Coloma unless such issuance is specifically authorized by law.

CHAPTER 1584

An act to add Section 21292.2 to the Government Code, relating to the State Employees' Retirement System in respect to increases in the disability retirement allowances of certain retired members of the California Highway Patrol.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 21292.2 is added to the Government Code, to read:

21292.2. Every disability retirement allowance payable for time commencing on the effective date of this section to any State Patrol member who was retired for industrial disability prior to October 1, 1952, is hereby increased to an amount equal to 50 percent of the maximum compensation earnable

on June 1, 1952, by a person holding the position which the retired patrol member held at the time of his retirement.

Where a retired member to whom an increased retirement allowance is payable under this section has elected pursuant to Article 4 of Chapter 9 of this part to have his retirement allowance modified in accordance with an optional settlement provided in Section 21333, Section 21334, or Section 21335, the increase provided by this section shall be modified under the optional settlement so elected, on the basis of ages at the effective date of retirement, and current mortality tables and interest rate.

This section does not authorize any decrease in any disability retirement allowance, nor does this section give any retired member, or his successors in interest, or his beneficiary any claim against the State for any increase in any disability retirement allowance paid or payable for time prior to its effective date.

SEC. 2. This act shall become operative on the first day of the month next succeeding the ninetieth day after final adjournment of the 1955 Regular Session of the Legislature.

CHAPTER 1585

An act to amend Section 14376 of the Government Code, relating to state contracts for public works.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 14376 of the Government Code is amended to read:

14376. Every contract shall contain a provision in regard to the time when the whole or any specified portion of the work contemplated shall be completed, and shall provide that for each day completion is delayed beyond the specified time, the contractor shall forfeit and pay to the State a specified sum of money, to be deducted from any payments due or to become due to the contractor. A contract for a road project may also provide for the payment of extra compensation to the contractor, as a bonus for completion prior to the specified time, such provision, if used, to be included in the specifications and to clearly set forth the basis for such payment.

CHAPTER 1586

An act to add Section 203 to the Streets and Highways Code, relating to streets and roads required in connection with state-aided school construction.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.] In effect September 7, 1955

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

SECTION 1. Section 203 is added to the Streets and Highways Code, to read:

203. Whenever a school district constructs a school building for the construction of which any apportionment is made pursuant to Chapter 1.6 or Chapter 19 of Division 3 of the Education Code and the city, city and county, or county in which such school building is situated requires the construction of any street or road connected with the school premises on which such school building is constructed, the State Allocation Board shall review the requirement and recommend to the governing body of the city, city and county or county a plan of construction adequate to meet the needs of the school district and the safety of the public. If a different plan of improvement or improvement to higher standards than that recommended by the State Allocation Board is required by the governing body of the city, city and county or county, the additional cost thereof shall be borne by the city, city and county, or county in which such school building is situated. Notwithstanding any other provision of this code or any other law limiting the purposes for which money allocated to cities, cities and counties, or counties from the Highway Users Tax Fund or the State Highway Fund may be expended, any of the money so allocated may be expended for the construction of the streets or roads referred to in this section.

Nothing in this section shall be construed to require each cost item included in any charge made pursuant to this section to be separately stated.

CHAPTER 1587

An act to amend Section 330.24 of the Civil Code and Sections 2702 and 2705 of the Public Utilities Code, relating to mutual water companies.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.] In effect September 7, 1955

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

SECTION 1. Section 330.24 of the Civil Code is amended to read:

Mutual water companies Limitation on sales

330.24. Any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes, or for domestic use, may provide in its articles or by-laws that water shall be sold, distributed, supplied or delivered only to owners of its shares and that such shares shall be appurtenant to certain lands when the same are described in the certificate issued therefor; and when such certificate is so issued and a certified copy of such articles or by-laws recorded in the office of the county recorder in the county where such lands are situated the shares of stock shall become appurtenant to the said lands and shall only be transferred therewith, except after sale or forfeiture for delinquent assessments thereon as provided in Section 331 of this title.

Exception

Notwithstanding such provision in its articles or by-laws, any such corporation may sell water to the State, or any department or agency thereof, or to any school district, or to any public agency, or, to any other mutual water company or, during any emergency resulting from fire or other disaster involving danger to public health or safety, to any person at the same rates as to holders of shares of such corporations. In the event lands to which any such stock is appurtenant are owned or purchased by the State, or any department or agency thereof, or any school district, or public agency, such stock shall be canceled by the secretary, but shall be reissued to any person later acquiring title to such land from the state department, agency, or school district, or public agency.

SEC. 2. Section 2702 of the Public Utilities Code is amended to read:

Public utility

2702. Any corporation or association organized for the purpose of delivering water solely to its stockholders or members at cost which delivers water to others than its stockholders or members, or the State or any department or agency thereof or any school district, or any other mutual water company, for compensation, becomes a public utility and is subject to Part 1 of Division 1 and to the jurisdiction, control, and regulation of the commission.

SEC. 3. Section 2705 of the Public Utilities Code is amended to read:

Exception

2705. Any corporation or association which is organized for the purpose solely of delivering water to its stockholders or members at cost, and which delivers water to no one except its stockholders or members, or to the State or any agency or department thereof, or to any school district, or to any other mutual water company, at cost, is not a public utility, and is not subject to the jurisdiction, control or regulation of the commission.

CHAPTER 1588

An act to amend Section 1691 of the Insurance Code, relating to limited travel insurance agents.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1691 of the Insurance Code is amended to read:

1691. Limited licenses as travel insurance agents may be issued to employees of railroad, steamship, airline, and other organizations engaged in transporting persons as common carriers and to individuals or employees of persons engaged in selling transportation on such common carriers.

Travel insurance agents are restricted to the sale of insurance to persons entitled by ticket or otherwise to transportation on a common carrier, as follows:

(a) Transportation ticket policies in the form prescribed by Chapter 4, Part 2, Division 2, of this code.

(b) Baggage insurance on the personal effects of such persons while in transit or while in any hotel or other building en route during any journey.

Before receiving a limited license as travel insurance agent, an employee-applicant shall file with the commissioner a document executed by his employer authorizing the employee to act as travel insurance agent when licensed.

Upon termination of the employment, the employer shall notify the commissioner and the licensee shall return the license to the commissioner for cancellation or shall furnish proof of loss satisfactory to the commissioner. Upon receiving notice of termination of employment, the commissioner shall cancel the license.

Such license shall be applied for, renewed and kept in force in the same manner as is provided in Article 1 of this chapter for a license to act as an insurance agent, except that an applicant for a limited license as a travel insurance agent need not pass a qualifying examination, and that the fee for filing an application shall be two dollars ($2) in lieu of the four dollars ($4) specified in Section 1678 for filing an agent's application.

The provisions of Sections 1656 to 1657, inclusive, relating to the appointment and termination of an agent by an insurer or its authorized representative are applicable to licenses issued pursuant to this section.

CHAPTER 1589

An act to add Article 10.6, comprising Sections 70010 to 70017, inclusive, to Chapter 5, Title 8 of the Government Code, relating to superior courts.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Article 10.6 is added to Chapter 5, Title 8 of the Government Code, to read:

Article 10.6. Official Reporters in Counties With a Population of 210,000 to 220,000

Orange County. Appointment of official reporters

70010. In each county having a population of 210,000 inhabitants and less than 220,000 inhabitants, as determined by the 1950 federal census, the judges of the superior court of such county, a majority concurring, to assist the court in the transaction of the judicial business of such 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 such court and to perform such duties, except that the number of reporters so appointed shall equal the number of offices of judge provided by law for such court. Such reporters shall hold office during the pleasure of the judges of such court, a majority concurring.

Pro tempore reporters

70011. When needed in order that the judicial business of the superior court in such 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.

Compensation

70012. The annual salary of the regular official phonographic reporters is seven thousand two hundred dollars ($7,200). The compensation of official phonographic reporters pro tempore shall be at the rate of twenty-five dollars ($25) a day.

Fees

70013. 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 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 Sections 69947 to 69953, inclusive, and by any other law of this State pertinent to the case.

70014. The salaries provided for in this article shall be paid in monthly installments out of the salary fund of the county, and shall be allowed and audited in the same manner as for salary demands against the county are required by law to be allowed and audited. Payment of salaries

70015. In addition to a fee or fees required by any other law or laws, a fee of six dollars ($6) shall be paid to the county clerk of such a county by each party, or jointly by parties appearing jointly in each of the following instances: Instances where fees payable

(a) Where Section 26821 of the Government Code requires such party or parties to pay the county 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.

(b) Where Sections 26822 to 26825, inclusive, of the Government Code require such party or parties to pay the county 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.

(c) Where Section 26826 of the Government Code requires such party or parties to pay the county clerk a fee for the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, corespondent 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 such additional fee of six dollars ($6) as in this section provided.

(d) Where Section 26827 of the Government Code requires such party or parties to pay the county clerk a fee for the filing of a petition or other paper in a probate or guardianship matter.

70016. 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. Fees taxed as costs

70017. The county clerk shall, on or before the first day of each calendar month, transmit to the county treasurer all money paid to him pursuant to this article during the preceding calendar month, or up to the day immediately preceding the day on which he transmits such money, and such money shall be deposited in the salary fund of such county. Deposit of moneys

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CHAPTER 1590

An act to amend Sections 17434, 24535, 24536, 24537, 24538, 24541 and 24561 of, and to add Sections 17433, 24532 and 24533 to, and to repeal Section 24533 of the Revenue and Taxation Code, relating to taxation of banks, corporations,

associations and Massachusetts trusts and personal income taxes, and providing that this act shall take effect immediately.

In effect immediately

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 24532 is added to the Revenue and Taxation Code, to read:

No gain or loss recognized

24532. (a) If—

(1) A corporation (referred to in this section and Section 24533 as the "distributing corporation")—

(A) Distributes to a shareholder, with respect to its stock; or

(B) Distributes to a security holder, in exchange for its securities solely stock or securities of a corporation (referred to in this section and Section 24533 as "controlled corporation") which it controls immediately before the distribution.

(2) The transaction was not used principally as a device for the distribution of the earnings and profits of the distributing corporation or the controlled corporation or both (but the mere fact that subsequent to the distribution stock or securities in one or more of such corporations are sold or exchanged by all or some of the distributees (other than pursuant to an arrangement negotiated or agreed upon prior to such distribution) shall not be construed to mean that the transaction was used principally as such a device),

(3) The requirements of Section 24533 (relating to active businesses) are satisfied; and

(4) As part of the distribution, the distributing corporation distributes—

(A) All of the stock and securities in the controlled corporation held by it immediately before the distribution; or

(B) An amount of stock in the controlled corporation constituting control within the meaning of Section 24564, and it is established to the satisfaction of the Franchise Tax Board that the retention by the distributing corporation of stock (or stock and securities) in the controlled corporation was not in pursuance of a plan having as one of its principal purposes the avoidance of California tax;

then no gain or loss shall be recognized to (and no amount shall be includible in the income of) such shareholder or security holder on the receipt of such stock or securities.

Application

(b) Paragraph (1) shall be applied without regard to the following:

(1) Whether or not the distribution is pro rata with respect to all of the shareholders of the distributing corporation;

(2) Whether or not the shareholder surrenders stock in the distributing corporation; and

(3) Whether or not the distribution is in pursuance of a plan of reorganization (within the meaning of Section 24562(a)(4)).

Exemptions

(c) Subsection (a) shall not apply if—

(1) The principal amount of the securities in the controlled corporation which are received exceeds the principal amount of the securities which are surrendered in connection with such distribution; or

(2) Securities in the controlled corporation are received and no securities are surrendered in connection with such distribution.

For purposes of Sections 24532 and 24533, inclusive (other than paragraph (a)(4) of this subsection), and so much of Section 24535 as relates to this section and Section 24533, stock of a controlled corporation acquired by the distributing corporation by reason of any transaction which occurs within five years of the distribution of such stock and in which gain or loss was recognized in whole or in part shall not be treated as stock of such controlled corporation, but as other property.

Repeal

SEC. 2. Section 24533 of the Revenue and Taxation Code is hereby repealed.

SEC. 3. Section 24533 is added to the Revenue and Taxation Code, to read:

Application

24533. (a) Section 24532 shall apply only if either—

(1) The distributing corporation, and the controlled corporation (or, if stock of more than one controlled corporation is distributed, each of such corporations) is engaged immediately after the distribution in the active conduct of a trade or business; or

(2) Immediately before the distribution, the distributing corporation had no assets other than stock or securities in the controlled corporations and each of the controlled corporations is engaged immediately after the distribution in the active conduct of a trade or business

Engaged in trade or business

(b) For purposes of subsection (a), a corporation shall be treated as engaged in the active conduct of a trade or business if and only if—

(1) It is engaged in the active conduct of a trade or business, or substantially all of its assets consist of stock and securities of a corporation controlled by it (immediately after the distribution) which is so engaged;

(2) Such trade or business has been actively conducted throughout the five-year period ending on the date of the distribution;

(3) Such trade or business was not acquired within the period described in paragraph (2) in a transaction in which gain or loss was recognized in whole or in part; and

(4) Control of a corporation which (at the time of acquisition of control) was conducting such trade or business—

(A) Was not acquired directly (or through one or more corporations) by another corporation within the period described in paragraph (2), or

(B) Was so acquired by another corporation within such period, but such control was so acquired only by reason of transactions in which gain or loss was not recognized in whole or in part, or only by reason of such transactions combined with acquisitions before the beginning of such period.

SEC. 4. Section 24535 of the Revenue and Taxation Code is amended to read:

Recognized gain

24535. (a) If—

(1) Section 24531, 24532 or 24533 would apply to an exchange but for the fact that—

(2) The property received in the exchange consists not only of property permitted by Section 24531, 24532 or 24533 to be received without the recognition of gain but also of other property to money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

Treatment Dividend

(b) If an exchange is described in subsection (a) but has the effect of the distribution of a dividend, then there shall be treated as a dividend to each distributee such an amount of the gain recognized under subsection (a) as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913. The remainder, if any, of the gain recognized under subsection (a) shall be treated as gain from the exchange of property.

SEC. 5. Section 24536 of the Revenue and Taxation Code is amended to read:

Distribution of property

24536. If—

(a) Section 24532 or 24533 would apply to a distribution but for the fact that—

(b) The property received in the distribution consists not only of property permitted by Section 24532 or 24533 to be received without the recognition of gain, but also of other property or money;

then an amount equal to the sum of such money and the fair market value of such other property shall be treated as a distribution of property to which Sections 24451 and 24453 apply.

SEC. 6. Section 24537 of the Revenue and Taxation Code is amended to read:

Loss not recognized

24537. If—

(a) Section 24531 would apply to an exchange, or Section 24532 or 24533 would apply to an exchange or distribution, but for the fact that—

(b) The property received in the exchange or distribution consists not only of property permitted by Section 24531, 24532 or 24533 to be received without the recognition of gain or loss, but also of other property or money;

then no loss from the exchange or distribution shall be recognized.

SEC. 7. Section 24538 of the Revenue and Taxation Code is amended to read:

24538. For purposes of Sections 24535 to 24539, inclusive— "Other property."

(a) Except as provided in subsection (b), the term "other property" includes securities,

(b) The term "other property" does not include securities to the extent that, under Sections 24531, 24532 and 24533, such securities would be permitted to be received without the recognition of gain.

If—

(1) In any exchange described in Section 24531 (other than subsection (c) thereof), securities of a corporation a party to the reorganization are surrendered and securities of any corporation a party to the reorganization are received; and

(2) The principal amount of such securities received exceeds the principal amount of such securities surrendered;

then, with respect to such securities received, the term "other property" means only the fair market value of such excess. For purposes of this paragraph and paragraph (c), if no securities are surrendered, the excess shall be the entire principal amount of the securities received.

(c) If, in an exchange or distribution described in Section 24532 and 24533, the principal amount of the securities in the controlled corporation which are received exceeds the principal amount of the securities in the distributing corporation which are surrendered, then, with respect to such securities received, the term "other property" means only the fair market value of such excess.

SEC. 8. Section 24541 of the Revenue and Taxation Code is amended to read:

24541. (a) In the case of an exchange to which Sections 24521, 24531, 24532, 24533, 24535, 24551, and 24571 apply— Basis computations

(1) The basis of the property permitted to be received under such section without the recognition of gain or loss shall be the same as that of the property exchanged—

(A) Decreased by—

(i) The fair market value of any other property (except money) received by the taxpayer; and

(ii) The amount of any money received by the taxpayer; and

(B) Increased by—

(i) The amount which was treated as a dividend; and

(ii) The amount of gain to the taxpayer which was recognized on such exchange (not including any portion of such gain which was treated as a dividend).

(2) The basis of any other property (except money) received by the taxpayer shall be its fair market value.

(b) (1) Under regulations prescribed by the Franchise Tax Board, the basis determined under subsection (a) (1) shall be

allocated among the properties permitted to be received without the recognition of gain or loss.

(2) In the case of an exchange to which Sections 24532 and 24533 (or so much of Section 24535 as relates to Section 24533) apply, then in making the allocation under paragraph (1) of this subsection, there shall be taken into account not only the property so permitted to be received without the recognition of gain or loss, but also the stock or securities (if any) of the distributing corporation which are retained, and the allocation of basis shall be made among all such properties.

(c) For purposes of this section, a distribution to which Section 24533 (or so much of Section 24535 as relates to Sections 24532 and 24533) applies shall be treated as an exchange, and for such purposes the stock and securities of the distributing corporation which are retained shall be treated as surrendered, and received back, in the exchange.

(d) Where, as part of the consideration to the taxpayer, another party to the exchange assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability, such assumption or acquisition (in the amount of the liability) shall, for purposes of this section, be treated as money received by the taxpayer on the exchange.

(e) This section shall not apply to property acquired by a corporation by the issuance of its stock or securities as consideration in whole or in part for the transfer of the property to it.

SEC. 9. Section 24561 of the Revenue and Taxation Code is amended to read:

Foreign corporations

24561. In determining the extent to which gain shall be recognized in the case of any of the exchanges described in Sections 24502, 24521, 24532, 24533, 24535, or 24551, a foreign corporation shall not be considered as a corporation unless, before such exchange, it has been established to the satisfaction of the Franchise Tax Board that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of taxes under this part.

SEC. 10. Section 17433 is added to the Revenue and Taxation Code, to read:

No recognition of gain or loss

17433. (a) If—

(1) A corporation (referred to in this section as the "distributing corporation")—

(A) Distributes to a shareholder, with respect to its stock; or

(B) Distributes to a security holder, in exchange for its securities, solely stock or securities of a corporation (referred to in this section and Section 17434 as "controlled corporation") which it controls immediately before the distribution;

(2) The transaction was not used principally as a device for the distribution of the earnings and profits of the distributing corporation or the controlled corporation or both (but the mere fact that subsequent to the distribution stock or securities in one or more of such corporations are sold or exchanged by

all or some of the distributees (other than pursuant to an arrangement negotiated or agreed upon prior to such distribution) shall not be construed to mean that the transaction was used principally as such a device);

(3) The requirements of Section 17434 (relating to active businesses) are satisfied; and

(4) As part of the distribution, the distributing corporation distributes—

(A) All of the stock and securities in the controlled corporation held by it immediately before the distribution; or

(B) An amount of stock in the controlled corporation constituting control within the meaning of Section 17463, and it is established to the satisfaction of the Franchise Tax Board that the retention by the distributing corporation of stock (or stock and securities) in the controlled corporation was not in pursuance of a plan having as one of its principal purposes the avoidance of income tax,

then no gain or loss shall be recognized to (and no amount shall be includible in the income of) such shareholder or security holder on the receipt of such stock or securities.

Application

(b) Subsection (a) shall be applied without regard to the following:

(1) Whether or not the distribution is pro rata with respect to all of the shareholders of the distributing corporation;

(2) Whether or not the shareholder surrenders stock in the distributing corporation; and

(3) Whether or not the distribution is in pursuance of a plan of reorganization (within the meaning of Section 17461 (a)(4)).

(c) Subsection (a) shall not apply if—

(1) The principal amount of the securities in the controlled corporation which are received exceeds the principal amount of the securities which are surrendered in connection with such distribution; or

(2) Securities in the controlled corporation are received and no securities are surrendered in connection with such distribution. For purposes of this section and Section 17434 (other than subsection (a)(3)) and so much of Sections 17435 to 17439 as relates to this section and Section 17434, stock of a controlled corporation acquired by the distributing corporation by reason of any transaction which occurs within five years of the distribution of such stock and in which gain or loss was recognized in whole or in part, shall not be treated as stock of such controlled corporation, but as other property.

(d) For treatment of the distribution if any property is received which is not permitted to be received under this section (including an excess principal amount of securities received over securities surrendered), see Sections 17435 to 17439, inclusive.

SEC. 11. Section 17434 of the Revenue and Taxation Code is amended to read:

Application

17434. (a) Section 17433 shall apply only if either—

(1) The distributing corporation, and the controlled corporation (or, if stock of more than one controlled corporation is distributed, each of such corporations), is engaged immediately after the distribution in the active conduct of a trade or business; or

(2) Immediately before the distribution, the distributing corporation had no assets other than stock or securities in the controlled corporation and each of the controlled corporations is engaged immediately after the distribution in the active conduct of a trade or business.

(b) For purposes of subsection (a), a corporation shall be treated as engaged in the active conduct of a trade or business if and only if—

Engaged in trade or business

(1) It is engaged in the active conduct of a trade or business, or substantially all of its assets consist of stock and securities of a corporation controlled by it (immediately after the distribution) which is so engaged;

(2) Such trade or business has been actively conducted throughout the five-year period ending on the date of the distribution;

(3) Such trade or business was not acquired within the period described in paragraph (2) in a transaction in which gain or loss was recognized in whole or in part; and

(4) Control of a corporation which (at the time of acquisition of control) was conducting such trade or business—

(A) Was not acquired directly (or through one or more corporations) by another corporation within the period described in paragraph (2); or

(B) Was so acquired by another corporation within such period, but such control was so acquired only by reason of transactions in which gain or loss was not recognized in whole or in part, or only by reason of such transactions combined with acquisitions before the beginning of such period.

SEC. 12. This act, inasmuch as it provides for a tax levy for the usual current expenses of the State, shall, under provisions of Section 1 of Article IV of the Constitution, take effect immediately.

Applicability

SEC. 13. The amendments made by Sections 1 to 9, inclusive, of this act are applicable only in the computation of taxes for income years beginning on or after January 1, 1955.

Same

SEC. 14. The amendments made by Sections 10 and 11 of this act are applicable only in the computation of taxes for taxable years beginning on or after January 1, 1955.

CHAPTER 1591

An act to amend Sections 73433 and 73433.5 of, and to add Sections 73433.6 and 73433.7 to, the Government Code, relating to the municipal court in a district embracing the City of Bakersfield.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 73433 of the Government Code is amended to read:

Appointees of clerk

73433. The clerk of the municipal court may appoint the following, each of whom shall receive monthly salaries in accordance with Sections 73433.5 and 73441:

(a) One assistant clerk, to be designated as "account clerk" III;

(b) Three deputy clerks, to be designated as "department court clerk";

(c) Two deputy court clerks, to be designated as "municipal legal clerk II";

(d) Three deputy court clerks, to be designated as "municipal legal clerk I";

(e) One deputy court clerk, to be designated as "clerk II";

(f) One deputy court clerk, to be designated as "typist clerk II"; and

(g) Five deputy court clerks, to be designated as "typist clerk I."

SEC. 2. Section 73433.5 of said code is amended to read:

Compensation of clerk and his appointees

73433.5. The compensation of the clerk of the municipal court and his attaches shall be as follows:

(a) Title of position	No. of positions	Salary range A	B	C	D	E
Clerk of the municipal court	1	$373	$392	$412	$433	$455
Account clerk III	1	307	322	338	355	373
Department court clerk	3	278	292	307	322	338
Clerk II	1	229	240	252	265	278
Municipal legal clerk II	2	292	307	322	338	355
Municipal legal clerk I	3	265	278	292	307	322
Typist clerk II	1	229	240	252	265	278
Typist clerk I	5	198	208	218	229	240

Compensation steps

(b) Within the positions set out in subdivision (a), there shall be five step levels which shall be designated as "Step A," "Step B," "Step C," "Step D," and "Step E," which are defined as follows:

"Step A" shall consist of the minimum rate of compensation for the position to which the salary range applies and shall be the hiring rate for such position;

"Step B" shall be the rate of compensation payable to any person who has occupied his position for one (1) year on the first day of the month following the anniversary of his appointment to the position;

"Step C" shall be the rate of compensation payable to any person who has occupied his position for two (2) years on the first day of the month following the anniversary of his appointment to the position;

"Step D" shall be the rate of compensation payable to any person who has occupied his position for three (3) years on the first day of the month following the anniversary of his appointment to the position; and

"Step E" shall be the rate of compensation payable to any person who has occupied his position for four (4) years on the first day of the month following the anniversary of his appointment to the position.

(c) Notwithstanding any other provision of this article:

(1) The minimum salary for each position shall normally be Step A for the position. If it is difficult to secure qualified personnel at that step or if a person of unusual qualifications is engaged, the court or the clerk, as the case may be, may hire at any step of the salary range applicable to the position.

(2) A majority of the judges of the court may place the clerk in the step of the salary range to which he would be entitled if he had been placed in Step C of such salary range on the effective date of his appointment as clerk.

(3) If a deputy clerk changes his position to another position of higher salary range, he shall receive the lowest amount provided in the salary range for the new position which is at least equal to the amount he would have received if he had been advanced one step higher in the salary range applicable to his old position. If at the time such deputy clerk changes his position to another of higher salary range he is receiving the salary provided in Step E of the salary range applicable to his old position, he shall receive the lowest amount provided in the salary range for the newer position which is at least equal to the salary provided in Step E of such old position plus the difference between the salaries provided in Step D and in Step E of such old position.

SEC. 3. Section 73433.6 is added to said code, to read:

Incumbent clerk and deputies

73433.6. On the effective date of this section, any deputy clerk who has been continuously employed for a period of six months or more under an appointment made pursuant to Sections 72150 and 72151 shall be placed by the clerk in the step level of the salary range which would have been applicable to his position if he had been originally appointed pursuant to Section 73433. For the purpose of determining the right to subsequent annual increments under Section 73433.5, the anniversary date shall be the date of commencement of such continuous employment.

SEC. 4. Section 73433.7 is added to said code, to read:

73433.7. The incumbent clerk and deputy clerks shall retain the same salary steps in the salary ranges made applicable to their respective positions by this amendment as they held under the superseded salary range. For the purpose of determining the right to subsequent annual increments under Section 73433.5, the anniversary date shall be the date the clerk or deputy clerk was first appointed to his position. Same

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CHAPTER 1592

An act to add Section 710.5 to the Vehicle Code, relating to transporting on highways of loads in excess of maximum weight limits.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.] In effect September 7, 1955

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

SECTION 1. Section 710.5 is added to the Vehicle Code, to read:

710.5. Agreements for Transporting Loads in Excess of Weight Limits. Upon application to the Director of Public Works for permission to use and operate on highways private or contract vehicles for the purpose of hauling loads which weigh in excess of the maximum load weight limits set forth in this code, the director may enter into an agreement with the applicant, permitting such overloads, specifying protective restrictions and providing for the payment of a financial contribution for the issuance of such permission; provided, however, that any such overload shall not exceed 25 percent of the maximum load weight limitation, in pounds, set forth in this code; and provided further, that such agreement shall not permit the applicant to transport such excess weight loads on highways for distances exceeding 75 miles. All contributions received by the Department of Public Works hereunder shall be used for the construction, improvement or maintenance of the highway designated in the permission to operate overweight loads. The provisions of Sections 188 and 188.4 of the Streets and Highways Code shall not apply to contributions received pursuant to this section; and any expenditures of such contributions by the department shall not be credited against amounts required to be expended pursuant to Sections 188 and 188.4 of the Streets and Highways Code.

This section shall not be operative whenever it is determined that the provisions of this section will prevent this State from receiving any federal funds for highway purposes.

CHAPTER 1593

An act to amend Sections 11511, 11526, 11529, 11531, 11537, 11538, 11543, 11554, 11555 and 11565, and to repeal Section 11505 and Article 6 of Chapter 2 of Part 2 of Division 4, of the Business and Professions Code, relating to real estate subdivisions.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 11505 of the Business and Professions Code is repealed.

SEC. 2. Section 11511 of said code is amended to read:

"Improvement"

11511. "Improvement" refers to only such street work and utilities to be installed, or agreed to be installed by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof.

SEC. 3. Section 11526 of said code is amended to read:

Governing provisions

11526. The design, improvement and survey data of subdivisions and the form and content of tentative and final maps thereof, and the procedure to be followed in securing official approval are governed by the provisions of this chapter and by the additional provisions of local ordinances dealing with subdivisions, the enactment of which is required by this chapter.

SEC. 4. Section 11529 of said code is amended to read:

Examination

11529. The county surveyor or city engineer shall make such detailed examination of final maps and such field check, if any, as may be necessary to enable him to make the certificate required by Section 11593. Local ordinances may provide a proper and reasonable fee to be collected from the subdivider for such examination.

SEC. 5. Section 11531 of said code is amended to read:

Tentative map

11531. Any person, firm, corporation, partnership, or association who proposes to subdivide any property located outside the boundaries of any city, may file a tentative map of the proposed subdivision with the advisory agency of such city (or with the clerk of the governing body of such city if there is no advisory agency). The tentative map may, in the discretion of the advisory agency or governing body of the city, be acted upon in the manner provided in Article 4 of this chapter, except that if it is approved such approval shall be conditioned upon annexation of the property to such city within such period of time as shall be specified by the advisory agency or governing body of the city.

No final map, based on such a tentative map, shall be approved as provided in this chapter until annexation of such property to the city has been completed. If annexation is not completed within the time specified or any extension thereof then the approval of such tentative map shall be null and void. No subdivision of unincorporated territory may be effected by approval of a tentative map by the advisory agency or governing body of a city unless annexation thereof to the city is completed prior to the approval or filing for record of the final map thereof. Approval of final map

SEC. 6. Section 11537 of said code is amended to read:

11537. (a) This chapter does not prohibit the filing of a map in accordance with the provisions of Chapter 3 of this part and the use thereof for purposes therein provided. Scope of chapter

(b) A final map may be recorded under the provisions of this chapter for the purpose of showing as acreage land previously subdivided into parcels or lots or blocks, and a map may likewise be recorded if it does not divide into two or more taxable parcels any parcel of land which is described as a unit on the latest adopted county tax roll. In either of the cases mentioned in this subsection, if sufficient recorded data exists from which an accurate map may be compiled, there need not be a certificate by a surveyor or engineer. Previously subdivided acreage land, etc

(c) A tax bond shall not be required in any of the cases covered by this section. Tax bond

SEC. 7. Section 11538 of said code is amended to read:

11538. (a) It is unlawful for any person to offer to sell or lease, to contract to sell or lease, or to sell or lease any subdivision or any part thereof until a final map thereof in full compliance with the provisions of this chapter and any local ordinance has been duly recorded or filed in the office of the recorder of the county in which any portion of the subdivision is located. Recordation or filing of map prior to sale

(b) Subsection (a) does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law (including a local ordinance), regulating the design and improvement of subdivisions in effect at the time the subdivision was established. Exception

SEC. 8. Section 11543 of said code is amended to read:

11543. Whenever a local ordinance requires that a subdivider install sewers, drains, or other facilities for sewers and drains as a condition precedent to the acceptance of a final map, and where, in the opinion of the governing body it is necessary that laterals or other facilities be constructed which can be, or will be, used for the benefit of property not in the subdivision, and such sewers, drains, or other facilities are dedicated to the public, the governing body may by contract with the subdivider agree to reimburse and may reimburse the subdivider for such lateral or other facility. Such contract shall provide that the governing body may collect from any person using such lateral or other facility for the benefit of Reimbursement, etc., for construction, etc., of laterals, etc

property not within such subdivision a reasonable charge for such use.

SEC. 9. Section 11554 of said code is amended to read:

Preparation of final map

11554. Within one year after approval or conditional approval of the tentative map or maps, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final map to be prepared in accordance with the tentative map as approved. Upon application of the subdivider an extension of not exceeding one year may be granted by the governing body.

SEC. 10. Section 11555 of said code is amended to read:

Failure to record map

11555. Any failure to record a final map within one year from the approval or conditional approval of the tentative map or any extension thereof granted by the governing body, shall terminate all proceedings. Before a final map may thereafter be recorded, a new tentative map shall be submitted.

SEC. 11. Section 11565 of said code is amended to read:

Map requirements

11565. A final map under the provisions of this chapter shall comply with all the provisions of the chapter, and, if there is a local ordinance, with all of its provisions.

Repeal

SEC. 12. Article 6 (comprising Sections 11575 and 11576) of Chapter 2 of Part 2 of Division 4 of said code is repealed.

CHAPTER 1594

An act to add Chapter 4 (consisting of Sections 60900 to 60926, inclusive) to Part 7 of Division 3 of Title 5 of, and to add Chapter 4, consisting of Sections 61900 to 61926, inclusive, to Part 7 of Division 2 of Title 6 of, the Government Code, relating to community service districts.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Chapter 4 (consisting of Sections 60900 to 60926, inclusive), is added to Part 7, Division 3 of Title 5 of the Government Code, to read:

CHAPTER 4. EXCLUSION OF TERRITORY

Petition: Filing

60900. The owner or owners in fee of one or more tracts of land may jointly or severally file with the board a petition praying that the territory composed of such tract or tracts and any other tracts contiguous thereto may be excluded from the district.

Acknowledgment

60901. The petition for exclusion shall be acknowledged.

Contents

60902. The petition for exclusion shall set forth all of the following:

(a) The reasons why it is claimed that the tract or tracts should be excluded.

(b) A description of the boundaries of the tract or tracts.

(c) A description of the land of each petitioner which is proposed to be excluded which need not be more particular than is required when the land is entered in the assessment book by the county assessor.

Notice of filing

60903. The secretary shall publish a notice of the filing of the petition for the exclusion of territory once a week for four consecutive weeks in a newspaper published in the principal county and in a newspaper published in each other county in which territory proposed to be excluded is situated. If no newspaper is published in any one or more counties in which publication is required, notice shall be posted for the same time in at least three public places in the district, one of which notices shall be posted in the territory proposed to be excluded.

Same Contents

60904. The notice shall contain:

(a) A statement that a petition for the exclusion of land has been filed.

(b) The names of the petitioners.

(c) A description of the territory proposed to be excluded.

(d) The time of the hearing.

(e) An announcement that any persons interested in the proposed exclusion may appear at the district office at the time of the hearing and file objections in writing showing cause, if any they have, why the territory or any of it should not be excluded.

Hearing

60905. 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 completed.

Objections

60906. Persons other than holders of outstanding district bonds who do not at or before the hearing file objections in writing showing cause why the territory should not be excluded and the petitioners assent to excluding the territory in whole or in part.

60907. At the time and place mentioned in the notice or at the time at which the hearing of the petition for exclusion may be adjourned the board shall hear the petition, all of the objections to it presented in writing, and all evidence introduced in support of the petition and objections.

Evidence

60908. The evidence at an exclusion hearing shall be taken down in shorthand and a record shall be made of it and filed with the board.

Expenses

60909. The expenses of giving the notice and of the hearing on exclusion shall be paid by the persons filing the petition.

Board action Denial of petition

60910. Upon the hearing of an exclusion petition the board shall order that the petition be denied:

(a) Entirely when no evidence in support of the petition is introduced.

(b) As to any territory described in the petition as to which the evidence introduced fails to sustain the petition.

(c) As to any territory described in the petition which the board deems it not for the best interests of the district to

exclude, except when the board judges that the territory will not be benefited by the operations of the district.

Exclusion order

60911. The board after the hearing of any exclusion petition shall order the exclusion of all or any part of the territory described in it when as to the territory to be excluded either:

(a) The board judges that the territory will not be benefited by the operations of the district; or

(b) The board deems the exclusion to be for the best interests of the district and one of the following is true:

(1) No interested person has filed objections in writing showing cause why the territory should not be excluded.

(2) All written objections made to the exclusion have been withdrawn.

(3) No written objection made to the exclusion is sustained at the hearing.

Entry of new boundaries

60912. When a board excludes any territory from a district, the board shall make an entry in its minutes describing the change so that the new boundaries of the district can be ascertained.

Survey

60913. For the purpose of describing the change, the board may cause any survey to be made which it deems necessary.

Filing

60914. A copy of the entry in the minutes excluding any territory certified by the president and secretary, shall be filed for record in the recorder's office of each affected county.

Effect of exclusion

60915. No exclusion of territory from any district impairs its existence, its rights, including those in or to property, or its obligations.

Re-establishment of boundaries

60916. If territory is excluded from any district the board, if it deems it desirable, but not less than thirty (30) days before any election in the district, may re-establish the boundaries of the divisions and election precincts within the district if any.

Assent to exclusion by bondholders

60917. If there are outstanding general obligation bonds at the time of the filing of an exclusion petition, the holders of the outstanding bonds may severally assent in writing to the exclusion of the territory described in the petition or any portion of it that may be excluded from the district by order of its board.

Acknowledgment

60918. The assent shall be acknowledged by each bondholder assenting to the exclusion.

Filing

60919. The assent shall be filed with the board and recorded in its minutes.

Minutes admissible in evidence

60920. The minutes containing the assent or a copy of them certified by the secretary shall be admissible in evidence with the same effect as the assent.

Recordation of minutes

60921. A certified copy of the minutes containing the assent may be recorded in the office of the county recorder of the county in which the territory to be excluded is situated.

Release from bond lien

60922. If any bondholder assents to the exclusion of territory from the district, the territory excluded is released from the lien of bonds of the assenting bondholder.

Obligations outstanding at time of exclusion

60923. Except as to outstanding general obligation bonds the holders of which have assented to the exclusion of territory from the district, territory excluded from the district shall be subject to the lien of general obligation bonds and be otherwise chargeable for the payment and discharge of all of the obligations outstanding at the time of the filing of the petition for the exclusion of the territory as fully as though the territory had not been excluded.

Discharge of obligations

60924. For the purpose of discharging the obligations outstanding at the time of the filing of the petition for its exclusion, territory excluded shall be considered as part of the district the same as though the territory had not been excluded.

Payment of outstanding obligations

60925. All provisions which could have been used to compel the payment by excluded territory of its portion of the outstanding obligations had the exclusion not occurred can be used to compel the payment on the part of the excluded territory of the portion of the outstanding obligations of the district for which it is liable.

Immunity of territory after exclusion

60926. Excluded territory is not subject to taxation or assessment nor is it otherwise chargeable for any obligation of any kind incurred after the filing with the board of the petition for the exclusion of the territory from the district.

SEC. 2. Chapter 4 is added to Part 7, Division 2 of Title 6 of said code, to read:

CHAPTER 4. EXCLUSION OF TERRITORY

Petition Filing

61900. The owner or owners in fee of one or more tracts of land may jointly or severally file with the board a petition praying that the territory composed of such tract or tracts and any other tracts contiguous thereto may be excluded from the district.

Acknowledgment

61901. The petition for exclusion shall be acknowledged.

Contents

61902. The petition for exclusion shall set forth all of the following:

(a) The reasons why it is claimed that the tract or tracts should be excluded.

(b) A description of the boundaries of the tract or tracts.

(c) A description of the land of each petitioner which is proposed to be excluded which need not be more particular than is required when the land is entered in the assessment book by the county assessor.

Notice of filing

61903. The secretary shall publish a notice of the filing of the petition for the exclusion of territory once a week for four consecutive weeks in a newspaper published in the principal county and in a newspaper published in each other county in which territory proposed to be excluded is situated. If no newspaper is published in any one or more counties in which publication is required, notice shall be posted for the same time in at least three public places in the district, one of which notices shall be posted in the territory proposed to be excluded.

Same· Contents

61904. The notice shall contain:

(a) A statement that a petition for the exclusion of land has been filed.

(b) The names of the petitioners.

(c) A description of the territory proposed to be excluded.

(d) The time of the hearing.

(e) An announcement that any persons interested in the proposed exclusion may appear at the district office at the time of the hearing and file objections in writing showing cause, if any they have, why the territory or any of it should not be excluded.

Hearing

61905. 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 completed.

Objections

61906. Persons other than holders of outstanding district bonds who do not at or before the hearing file objections in writing showing cause why the territory should not be excluded and the petitioners assent to excluding the territory in whole or in part.

61907. At the time and place mentioned in the notice or at the time at which the hearing of the petition for exclusion may be adjourned the board shall hear the petition, all of the objections to it presented in writing, and all evidence introduced in support of the petition and objections.

Evidence

61908. The evidence at an exclusion hearing shall be taken down in shorthand and a record shall be made of it and filed with the board.

Expenses

61909. The expenses of giving the notice and of the hearing on exclusion shall be paid by the persons filing the petition.

Board action· Denial of petition

61910. Upon the hearing of an exclusion petition the board shall order that the petition be denied:

(a) Entirely when no evidence in support of the petition is introduced.

(b) As to any territory described in the petition as to which the evidence introduced fails to sustain the petition.

(c) As to any territory described in the petition which the board deems it not for the best interests of the district to exclude, except when the board judges that the territory will not be benefited by the operations of the district.

Exclusion order

61911. The board after the hearing of any exclusion petition shall order the exclusion of all or any part of the territory described in it when as to the territory to be excluded either:

(a) The board judges that the territory will not be benefited by the operations of the district; or

(b) The board deems the exclusion to be for the best interests of the district and one of the following is true:

(1) No interested person has filed objections in writing showing cause why the territory should not be excluded.

(2) All written objections made to the exclusion have been withdrawn.

(3) No written objection made to the exclusion is sustained at the hearing.

Entry of new boundaries

61912. When a board excludes any territory from a district, the board shall make an entry in its minutes describing the change so that the new boundaries of the district can be ascertained.

Survey

61913. For the purpose of describing the change, the board may cause any survey to be made which it deems necessary.

Filing

61914. A copy of the entry in the minutes excluding any territory certified by the president and secretary, shall be filed for record in the recorder's office of each affected county.

Effect of exclusion

61915. No exclusion of territory from any district impairs its existence, its rights, including those in or to property, or its obligations.

Re-establishment of boundaries

61916. If territory is excluded from any district the board, if it deems it desirable, but not less than thirty (30) days before any election in the district, may re-establish the boundaries of the divisions and election precincts within the district if any.

Assent to exclusion by bondholders.

61917. If there are outstanding general obligation bonds at the time of the filing of an exclusion petition, the holders of the outstanding bonds may severally assent in writing to the exclusion of the territory described in the petition or any portion of it that may be excluded from the district by order of its board.

Acknowledgment

61918. The assent shall be acknowledged by each bondholder assenting to the exclusion.

Filing

61919. The assent shall be filed with the board and recorded in its minutes.

Minutes admissible in evidence

61920. The minutes containing the assent or a copy of them certified by the secretary shall be admissible in evidence with the same effect as the assent.

Recordation of minutes

61921. A certified copy of the minutes containing the assent may be recorded in the office of the county recorder of the county in which the territory to be excluded is situated.

Release from bond lien

61922. If any bondholder assents to the exclusion of territory from the district, the territory excluded is released from the lien of bonds of the assenting bondholder.

Obligations outstanding at time of exclusion

61923. Except as to outstanding general obligation bonds the holders of which have assented to the exclusion of territory from the district, territory excluded from the district shall be subject to the lien of general obligation bonds and be otherwise chargeable for the payment and discharge of all of the obligations outstanding at the time of the filing of the petition for the exclusion of the territory as fully as though the territory had not been excluded.

Discharge of obligations

61924. For the purpose of discharging the obligations outstanding at the time of the filing of the petition for its exclusion, territory excluded shall be considered as part of the district the same as though the territory had not been excluded.

Payment of outstanding obligations

61925. All provisions which could have been used to compel the payment by excluded territory of its portion of the outstanding obligations had the exclusion not occurred can be

used to compel the payment on the part of the excluded territory of the portion of the outstanding obligations of the district for which it is liable.

Immunity of excluded territory after exclusion

61926. Excluded territory is not subject to taxation or assessment nor is it otherwise chargeable for any obligation of any kind incurred after the filing with the board of the petition for the exclusion of the territory from the district.

Effect Stats 1955, Ch 1746

SEC. 3. Section 2 of this act shall become operative only if Senate Bill 1714 of the 1955 General Session is enacted into law, and in such case at the same time as said Senate Bill 1714 takes effect; at which time Section 1 of this act is repealed.

CHAPTER 1595

An act to amend Sections 1647 and 1678 of, to repeal Section 1648 of, and to add Sections 1647.3, 1648, 1703.97, 1703.98, and 1713.65 to, the Insurance Code, all relating to copartnership insurance production licenses.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 1647 of the Insurance Code is amended to read:

Agents, brokers, and solicitors Changes in firm's license

1647. Whenever a copartnership, association or corporation, licensed as an insurance agent or broker, desires to change, remove, or add to, the persons who are to transact insurance under authority of its license, it shall immediately file an application with the commissioner for an endorsement, changing its license accordingly. The commissioner shall require that the qualifying examination provided by this code be taken by any person named by such organization to exercise its agency or brokership powers who, if he were applying for an individual license, would be required to take and pass the qualifying examination.

Repeal

SEC. 2. Section 1648 of the Insurance Code is repealed.

SEC. 3. Section 1647.3 is added to the Insurance Code, to read:

Continuing to transact business after change

1647.3. Should a change occur in the membership of a copartnership licensed under this article, the surviving or continuing copartnership may continue to transact insurance under the license issued to the predecessor copartnership if:

(a) The surviving or continuing copartnership within thirty (30) days after such change files an application on a form prescribed by the commissioner for registration of such change in membership, and

(b) At least one person who exercised the agency or brokership powers of the predecessor copartnership continues to exercise the agency or brokership powers of the surviving or continuing copartnership, and,

(c) Such application for registration be signed by a general partner.

SEC. 4. Section 1648 is added to the Insurance Code, to read:

Same

1648. A natural person, copartnership, association, or corporation licensed under this article, may continue to transact insurance under an existing license in either a different capacity or as a different organization or entity if no additional license examination qualification is required and if no substantial change in ownership and no change in control of the licensed insurance business has taken place; provided, that within sixty (60) days after the first insurance transaction performed following such change the person or the successor partnership, association or corporation files a sufficient application for an appropriate license and pays the lawful fees therefor.

Nothing herein shall be construed to nullify any provision of Section 1679 except that any fee paid as required by subdivision (a) of Section 1679 for a license not issued, or one-half of any double fee paid as required by subdivision (b) of Section 1679 for a license not issued, may be applied towards the fee for filing an application under this section.

SEC. 5. Section 1678 of the Insurance Code is amended to read:

Fees

1678. The commissioner shall require in advance the following fees:

(a) For filing the application for each license of an individual insurance broker, ten dollars ($10).

(b) For filing the application for each license of an individual insurance agent or solicitor, four dollars ($4).

(c) For giving to any person the qualifying examination for a license under this article, five dollars ($5).

(d) For filing the application for each license of a copartnership, association, or corporation as an insurance broker, ten dollars ($10) for each person named therein to exercise the brokership powers.

(e) For filing the application for each license of a copartnership, association, or corporation as an insurance agent, four dollars ($4) for each person named therein to exercise the agency powers.

(f) For filing the first amendment to an application or for filing the first amended application, one dollar ($1).

(g) For filing the application for an endorsement adding to the persons named in a license as entitled to exercise agency powers, four dollars ($4) for each name so added.

(h) For filing the application for an endorsement removing from any license the name of any person theretofore designated as entitled to exercise agency or brokership powers, one dollar ($1).

(i) For filing the application for an endorsement adding to the persons named in a license as entitled to exercise brokership powers, ten dollars ($10) for each name so added.

(j) For filing an application for registration of change in membership of a copartnership licensed as an insurance broker, ten dollars ($10).

(k) For filing an application for registration of change in membership of a copartnership licensed as an agent, four dollars ($4).

(*l*) For filing the application for a certificate of convenience, the same fee as for filing the application for a license to act in the same capacity.

(m) For filing each annual notice of intention to keep a license in force, a fee in the same amount as that hereinabove specified for filing the application for that license.

SEC. 6. Section 1703.97 is added to the Insurance Code, to read:

Life agents. Continuing to transact business after change

1703.97. Should a change occur in the membership of a copartnership licensed pursuant to Section 1703.91 to Section 1703.96, inclusive, the surviving or continuing copartnership may continue to transact insurance under the license issued to the predecessor copartnership if:

(a) The surviving or continuing copartnership within thirty (30) days after such change files an application on a form prescribed by the commissioner for registration of such change in membership, and,

(b) At least one natural person who was the joint holder of the firm license issued to the predecessor copartnership continues to conduct or assist in the conduct of the life insurance business of the continuing or surviving copartnership, and,

(c) Such application for registration be signed by a general partner.

SEC. 7. Section 1703.98 is added to the Insurance Code, to read:

Same

1703.98. A natural person, copartnership, association, or corporation licensed under this article, may continue to transact insurance under an existing license in either a different capacity or as a different organization or entity if no additional license examination qualification is required and if no substantial change in ownership and no change in control of the licensed insurance business has taken place; provided, that within sixty (60) days after the first insurance transaction performed following such change the person or the successor partnership, association or corporation files a sufficient application for an appropriate license and pays the lawful fees therefor.

Nothing herein shall be construed to nullify any provision of Section 1709 except that any fee paid as required by subdivision (a) of Section 1709 for a license not issued, or one-half of any double fee paid as required by subdivision (b) of Section 1709 for a license not issued, may be applied toward the fee for filing an application under this section.

SEC. 8. Section 1713.65 is added to the Insurance Code, to read:

1713.65. For filing an application for registration of change in membership of a copartnership licensed pursuant to Section 1703.97, the commissioner shall charge and collect at time of filing the following fees for each type of life agent's license for each insurer which such copartnership represents as a life agent: Fees

(a) For each such license issued to a copartnership as a resident, two dollars ($2).

(b) For each such license issued to such a copartnership as a nonresident, ten dollars ($10).

(c) For each such license issued to a copartnership as a nonresident in accordance with the provisions of subdivision (a) of Section 1713.6, two dollars ($2).

CHAPTER 1596

An act to amend Sections 10270.8, 10270.95, and 10375 of the Insurance Code, relating to disability insurance.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 10270.8 of the Insurance Code is amended to read:

10270.8. Family expense disability policies shall also contain the following provisions: Family expense disability insurance. Required provisions of policy

(a) A provision that the policy and the application, if any, of the head of the family shall constitute the entire contract between the parties, and that all statements made by the head of the family shall, in the absence of fraud, be deemed representations and not warranties, and that no statement shall be used in defense to a claim under the policy, unless it is contained in a written application;

(b) A provision that to the family originally insured may be added from time to time all new members of the family eligible for insurance in such family; and that the head of the family shall give the insurer notice of the addition to the family of any person eligible for coverage under the policy.

SEC. 2. Section 10270.95 of the Insurance Code is amended to read:

10270.95. Without affecting the applicability or degree of applicability of other sections of this chapter, it is hereby specified that the provisions of Sections 10310.5, 10312, 10313, 10321, 10325, 10401, of subsections (a), (c), (e), (f), (g), (h), and (i) of Section 10310, of subsections (a), (c), (e), (h) and (i) of Section 10320, of subsection (a) of Section 10290, of paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) Exemptions

and (12) of subsection (b) and subsections (c), (d), (e), (f), (g) and (i) of Section 10291.5 and of Section 10291.6, shall not apply to group disability insurance. The provisions of Section 10401 shall not apply to family expense disability insurance; provided, there is no discrimination between families of the same class.

SEC. 3. Section 10375 of the Insurance Code is amended to read:

Terms of indemnity payments

10375. Indemnity under a disability policy for loss of life of the insured may be made payable upon such terms and conditions and subject to such restrictions as to revocation by the policyholder and control by beneficiaries, consistent with Section 10344 or Section 10350.12, whichever is applicable, as shall have been agreed to in writing by the insurer and the policyholder. If no terms and conditions have been agreed to by the insurer and the policyholder during the insured's lifetime, then such indemnity may be made payable upon such terms and conditions and subject to such restrictions as may be agreed to in writing by the insurer and the beneficiaries. Any such agreement may be rescinded or amended by the parties thereto without the consent of any beneficiary therein designated unless the rights of any such beneficiary have been expressly declared to be irrevocable. No such agreement hereafter made shall vest in the insurer discretion as to the conditions, time, amount, manner or method of payment except as provided in Section 10369, or Section 10350.9, whichever is applicable. The relationship between the insurer and the policyholder or beneficiaries under any such agreement shall be that of debtor and creditor and the insurer shall not be required to segregate funds so held but shall hold them as a part of its general corporate assets.

CHAPTER 1597

An act to amend Section 1650 and 1731 of the Insurance Code, relating to insurance producers.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 1650 of the Insurance Code is amended to read:

Contents of license

1650. Every license to act as an insurance agent, broker, or solicitor, as the case may be, shall state on its face:

(a) The name of the licensee.

(b) That he is licensed so to act.

(c) The mailing address of the licensee.

(d) The conditions, if any, on which the license is issued.

SEC. 2. Section 1731 of the Insurance Code is amended to read:

1731. The commissioner may suspend or revoke any license of an insurance agent, broker, or solicitor, life agent, surplus line broker or motor club agent if, after a hearing upon reasonable notice, he determines that any of the following facts exist in respect to any person authorized to act under such license: Suspension, etc., of license Grounds

(a) Such person has violated any provision of law relating to conduct of business which could lawfully be done only under authority conferred by such license.

(b) Such person has knowingly or wilfully made a misstatement in an application to the commissioner for a license or a renewal thereof or in a notice to keep it in force or in a document filed in support of such an application, has obtained his license by concealment or knowing misrepresentation, or has made a false statement in testimony given under oath before the commissioner or any other person acting in his stead.

(c) The purpose of obtaining such license was to evade or prevent the enforcement of any provision of this code or other insurance laws.

(d) Such person has engaged in a fraudulent practice or act or conducted his business in a dishonest manner.

(e) Such person has shown incompetency or untrustworthiness in the conduct of his business or has by commission of a wrongful act or practice in the course of his business exposed the public or those dealing with him to the danger of loss.

(f) Such person has knowingly misrepresented the terms or effect of an insurance policy or contract while acting in the course of his business.

(g) Such person has failed to perform a duty expressly enjoined upon him by a provision of this code, or has committed an act expressly forbidden by such a provision.

(h) Such person has committed a public offense, shown by a final judgment of conviction, having as one of its necessary elements a fraudulent act or an act of dishonesty in acceptance, custody, or payment of money or property. Upon any conviction of such offense, the commissioner may suspend the license of the person so convicted until the judgment is made final or other final judgment issues.

(i) Such person has aided or abetted any person in an act or omission which would constitute grounds for suspension, revocation, or refusal of license to the person aided or abetted.

(j) Such person has permitted any person in his employ to violate any provision of this code.

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. Proceedings

CHAPTER 1598

An act to amend Sections 60752 and 61752 of the Government Code, relating to community service district taxes.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 60752 of the Government Code is amended to read:

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. In the event the district has been organized for the sole purpose of supplying water for irrigation purposes, then the taxes levied by the district shall be upon the land only, disregarding improvements and personal property.

SEC. 2. Section 61752 of said code is amended to read:

61752. 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. In the event the district has been organized for the sole purpose of supplying water for irrigation purposes, then the taxes levied by the district shall be upon the land only, disregarding improvements and personal property.

Effect Stats. 1955, Ch 1746

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 1714 of the 1955 General Session is enacted into law and in such case at the same time as said Senate Bill No. 1714 takes effect; at which time Section 1 of this act is repealed.

CHAPTER 1599

An act to amend Section 5082.2 of the Business and Professions Code, relating to public accountants.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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 on or before December 31, 1955, and signing a proper affidavit to be prescribed by the board.

CHAPTER 1600

An act to amend Sections 23106, 23375, 23383, 23390, 23770 and 24436 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 23106 of the Business and Professions Code is amended to read:

Storage of alcoholic beverages

23106. (a) Wine stored in a winery or wine cellar bonded under the internal revenue laws of the United States and brandy in bulk stored in an internal revenue bonded warehouse may be stored by or for any licensee without the necessity of any license by the person furnishing or providing the storage space.

(b) Beer and wine upon which excise taxes have been paid to the State at the rate fixed under this division, may be stored by or for any licensee in any private or public warehouse or elsewhere in this State without the necessity of any license by the person furnishing or providing the storage space or any special additional license by the licensee.

(c) Any other alcoholic beverage may, without the necessity of any additional license, be stored by or for a licensee in private warehouses approved by the department, if within the limits of the county in which the licensee's licensed premises are located, or in a public warehouse within that county, or may be stored in bond in a public warehouse outside that county if the public warehouse is also a United States customs bonded warehouse, a United States internal revenue bonded warehouse, or United States bonded wine cellar.

SEC. 2. Section 23375 of said code is amended to read:

Public warehouse license

23375. A public warehouse license authorizes the storage of alcoholic beverages for the account of another licensee, including storage in a United States customs bonded warehouse, a United States internal revenue bonded warehouse, and a United States bonded wine cellar.

SEC. 3. Section 23383 of said code is amended to read:

Additional authorizations of licenses

23383. Any manufacturer's, wine grower's, manufacturer's agent's, importer's, rectifier's, or wholesaler's license also authorizes the transfer of title to the alcoholic beverages specified in the license to other licensed manufacturers, wine growers, manufacturer's agents, importers, rectifiers, and wholesalers when the alcoholic beverages are in storage in a licensed public warehouse, United States customs bonded warehouse, United States internal revenue bonded warehouse, or United States bonded wine cellars located at any place within the State without any additional or other license therefor. Such licenses also authorize the sale of alcoholic beverages specified in the license to persons who, under such procedure as

shall be established by the department, take delivery of the alcoholic beverages in this State for delivery or use without the State.

SEC. 4. Section 23390 of said code is amended to read:

Duplicate license Wine growers and brandy manufacturers

23390. 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 wine cellars 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 department shall upon request issue to a 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. The duplicate license authorizes the maintenance and operation of each branch or warehouse or United States bonded wine cellar declared and designated by the wine grower or brandy manufacturer at the location for which the duplicate license is issued. The fee for each duplicate wine grower's license is an amount equal to the license fee payable for a like period for a wholesale beer and wine license, and for each duplicate brandy manufacturer's license an amount equal to the fee paid for the original license.

SEC. 5. Section 23770 of said code is amended to read:

Issuance of wine grower's license

23770. A wine grower's license shall be issued only to, or held by, a person qualified to operate or operating a winery or wine cellar bonded under the internal revenue laws of the United States. Every person operating, or authorized under the internal revenue laws of the United States to operate, a winery or wine cellar bonded under the internal revenue laws of the United States shall apply for, and hold, a wine grower's license.

SEC. 6. Section 24436 of said code is amended to read:

Presumption of intrastate sale

24436. It shall be presumed, for the purposes of this division, that all wine removed from a winery or wine cellar bonded under the internal revenue laws of the United States on payment of the internal revenue tax by a wine grower has been sold in this State by the wine grower, unless it is proved to the satisfaction of the board, in reports on forms prescribed by the board, that the wine has been exported from this State or sold for export by the wine grower making the report and actually exported from this State or that the wine is otherwise exempt from taxation under this division.

SEC. 7. Section 23106 of said code is amended to read:

Storage of alcoholic beverages

23106. (a) Wine stored in a winery or wine cellar bonded under the internal revenue laws of the United States and brandy in bulk stored in an internal revenue bonded warehouse may be stored by or for any licensee without the necessity of any license by the person furnishing or providing the storage space.

(b) Beer and wine upon which excise taxes have been paid to the State at the rate fixed under Part 14 of Division 2 of the Revenue and Taxation Code, may be stored by or for any licensee in any private or public warehouse or elsewhere in this State without the necessity of any license by the person furnishing or providing the storage space or any special additional license by the licensee.

(c) Any other alcoholic beverage may, without the necessity of any additional license, be stored by or for a licensee in private warehouses approved by the department, if within the limits of the county in which the licensee's licensed premises are located, or in a public warehouse within that county, or may be stored in bond in a public warehouse outside that county if the public warehouse is also a United States customs bonded warehouse, a United States internal revenue bonded warehouse, or United States bonded wine cellar.

SEC. 8. Section 7 of this act shall become operative only if Senate Bill No. 1462 of the 1955 General Session is enacted into law and in such case at the same time as said Senate Bill No. 1462 takes effect; at which time Section 1 of this act is repealed.

Effect Stats 1955, Ch 1842

CHAPTER 1601

An act to amend Sections 4902.5, 4902.7, and 4964.1 of the Education Code, relating to the property, funds and obligations of reorganized school districts.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 4902.5 of the Education Code is amended to read:

4902.5. The county committee may propose plans and recommendations which include either one or both of the following provisions: (a) Plans for the use of the school property of the component districts as provided in Sections 4902.6, 4963, 4963.1, 4963.2, and 4963.3; (b) plans for dividing the property, other than real property, of any school district proposed to be divided between two or more unified school districts or between one or more unified school districts and any other type of district, or proposed to be partially included in one or more unified school districts or one or more unified school districts and any other type of district.

SEC. 2. Section 4902.7 of said code is amended to read:

4902.7. When all or a portion of the territory of any school district is divided between two or more unified school districts, or between one or more unified school districts and any other type of district, the county committee, in the formulation of plans, may provide for the division of school property, except

real property, of such district. In providing for the division, the county committee shall consider the equalized assessed valuation of each portion of the existing district, the number of children of school age residing in each portion of such district, the value and location of the school property of such district, and such other matters as the members of the county committee deem important and pertinent.

SEC. 3. Section 4964.1 of said code is amended to read:

4964.1. During the first fiscal year of the existence of a newly formed unified school district, including districts which became effective for all purposes on July 1, 1953, under the provisions of this chapter the county superintendent of schools having jurisdiction over the districts affected shall draw his requisition upon the county auditor to the credit of the districts affected in the amounts necessary to accomplish the division of funds required by, as the case may be, Section 4902.8 or 4964.

CHAPTER 1602

An act to amend Sections 3011, 3013, 3016, 3055, 3074, 3147, and 3152 of, and to add Sections 3077 and 3107 to, the Business and Professions Code, relating to optometry.

In effect September 7, 1955

[Approved by Governor July 5, 1955 Filed with Secretary of State July 7, 1955]

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

SECTION 1. Section 3011 of the Business and Professions Code is amended to read:

Qualifications of board members

3011. Members of the board shall be appointed only from persons who are registered optometrists of the State of California and actually engaged in the practice of optometry at the time of appointment.

No person shall be eligible to membership in the board who is a stockholder in or owner of or a member of the faculty of or of the board of trustees of any school of optometry or who shall be financially interested, directly or indirectly, in any concern manufacturing or dealing in optical supplies at wholesale.

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

SEC. 2. Section 3013 of said code is amended to read:

Terms

3013. Each member of the board shall hold office for a term of four years, and shall serve until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The terms of the members of the board in office when this chapter takes effect shall expire on January 15, 1946.

The terms of the members of the board, which are to be appointed by the Governor, which shall become effective on January 15, 1946, shall expire as follows: One member, January 15, 1948; two members, January 15, 1949; two members January 15, 1950.

Vacancies occurring shall be filled by appointment for the unexpired term.

SEC. 3. Section 3016 of said code is amended to read:

Compensation

3016. Each member shall receive a per diem of twenty-five dollars ($25) for each day actually spent in the performance of his duties as a member and, in addition, his necessary expenses.

Per diems shall not exceed one for any calendar day.

With the approval of the Director of Finance, the board may fix the salary of the secretary who shall also be entitled to his traveling and other necessary expenses.

SEC. 4. Section 3055 of said code is amended to read:

Issuance of certificate

3055. All applicants, without discrimination, who satisfactorily pass the examination, shall thereupon be registered in the board's register of optometrists and a certificate of registration shall be issued to each one under the seal and signature of the members of the board. The certificate shall continue in force until the time when the annual license fee becomes due in the year next succeeding.

SEC. 5. Section 3074 of said code is amended to read:

Failure to register

3074. Any failure on the part of any person holding a certificate of registration or a certified copy of one to register the same for six months after its issuance or from the date of removal of his practice to a county other than the one in which his certificate is registered shall ipso facto work the suspension of his certificate of registration and it shall not be restored except upon the payment of the fee provided by this chapter.

SEC. 6. Section 3077 is added to said code, to read:

Office

3077. As used in this section "office" means any office or other place for the practice of optometry.

(a) No person, singly or in combination with others, may have an office unless he is registered to practice optometry under this chapter.

(b) An optometrist, or two or more optometrists jointly, may have one office without obtaining a further license from the board.

(c) On and after January 1, 1957, no optometrist, and no two or more optometrists jointly, may have more than one office unless he or they comply with the provisions of this chapter as to each such additional office. Each such additional office, for the purposes of this chapter, constitutes a branch office.

(d) Any optometrist who has, or any two or more optometrists, jointly, who have, a branch office prior to January 1, 1957, and who desire to continue such branch office on or

after that date shall notify the board in writing of such desire in a manner prescribed by the board.

(e) On and after January 1, 1957, any optometrist, or any two or more optometrists, jointly, who desire to open a branch office shall notify the board in writing in a manner prescribed by the board.

(f) On and after January 1, 1957, no branch office may be opened or operated without a branch office license. Branch office licenses shall be valid for the calendar year in or for which they are issued and shall be renewable on January 1st of each year thereafter. Branch office licenses shall be issued or renewed only upon the payment of the fee therefor prescribed by this chapter.

(g) Any failure to comply with the provisions of this chapter relating to branch offices or branch office licenses as to any branch office shall work the suspension of the certificate of registration of each optometrist who, individually or with others, has such branch office. A certificate of registration so suspended shall not be restored except upon compliance with such provisions and the payment of the fee prescribed by this chapter for restoration of a certificate of registration after suspension for failure to comply with the provisions of this chapter relating to branch offices

(h) The holder or holders of a branch office license shall pay the annual renewal fee therefor in the amount required by this chapter between the first day of January and the first day of February of each year. The failure to pay such fee in advance on or before February 1st of each year during the time it is in force shall ipso facto work the suspension of such branch office license. Such license shall not be restored except upon written application and the payment of the penalty prescribed by this chapter, and, in addition, all delinquent branch office fees.

(i) Nothing in this chapter shall limit, or authorize the board to limit, the number of branch offices which may be opened or operated by any optometrist or by any two or more optometrists, jointly, whose operations conform to the provisions of this chapter.

SEC. 7. Section 3107 is added to said code, to read:

Felony conviction

3107. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 8. Section 3147 of said code is amended to read:

Failure to pay fee

3147. The failure of any person who is a regular licensed optometrist, to pay his annual license fee in advance on or before February first of each year during the time his license remains in force shall ipso facto work a suspension of his license.

It shall not be restored except upon written application and the payment of the penalty fixed by this chapter for the restoration of a suspended license and, in addition, all delinquent annual license fees.

When the application for restoration of the license is made and all delinquent license fees and penalties are paid within three years after the suspension, no examination shall be required. But if this is not done within three years, the license shall not be restored unless the regular examination for applicants is passed.

SEC. 9. Section 3152 of said code is amended to read:

Fees

3152. The amount of fees and penalties prescribed by this chapter is that fixed by the following schedule:

(a) The fee for applicants applying for the first time for a certificate of registration is twenty-five dollars ($25) which shall not be refunded, except that applicants who are found ineligible to take an examination for a certificate of registration are entitled to a refund of fifteen dollars ($15).

(b) The fee for applicants for a certificate of registration who have previously taken the examination for such a certificate is twenty dollars ($20).

(c) The fee for the restoration of a certificate of registration after suspension for nonregistration is twenty-five dollars ($25).

(d) The annual fee for renewal of a certificate of registration shall be fixed by the board at not more than twenty-five dollars ($25) nor less than sixteen dollars ($16).

(e) The penalty for failure to pay the annual fee is twenty-five dollars ($25).

(f) The fee for a branch office license is ten dollars ($10).

(g) The annual fee for the renewal of a branch office license is ten dollars ($10).

(h) The penalty for failure to pay the annual fee for renewal of a branch office license is fifteen dollars ($15).

(i) The fee for restoration of a certificate of registration after suspension for failure to comply with the provisions of this chapter relating to branch offices is twenty-five dollars ($25).

(j) The fee for issuance of a duplicate certificate of registration upon loss of an original certificate of registration or upon change of name authorized by law of a person holding a certificate of registration under this chapter is five dollars ($5).

CHAPTER 1603

An act to amend Sections 2957, 2962, and 2965 of the Civil Code, relating to mortgages of personal property; prescribing a system of filing a certificate of recordation and providing for its effect as notice when mortgaged personal property is removed to another county, and making an appropriation.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 2957 of the Civil Code is hereby amended to read as follows:

Priority of mortgages on personal property or crops

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

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

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

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

4. The mortgage, if of personal property other than crops growing or to be grown or animate personal property, is recorded in the office of the recorder of each of the counties where the property mortgaged is located and where the mortgagor resides at the time the mortgage is executed, provided that in case the mortgagor is a nonresident of this State no recordation where the mortgagor resides is required, and, in case the property mortgaged is thereafter removed to another county of this State, either the mortgage is recorded in that county or there is or has been filed a statement of recordation as prescribed in Section 2965;

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

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

the mortgage has been recorded, which said certificate shall be in substantially the following form:

CERTIFICATE OF RERECORDATION

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

(Signed)_____A.B.

Said certificate shall be acknowledged, or proved and certified, in like manner as grants of real property. No certificate shall be deemed defective because it does not refer to all of the recordation of the original mortgage. The provisions of subdivision 6 of this section shall not apply to any mortgage heretofore or hereafter made pursuant to an order, judgment, or decree of court of record, or heretofore or hereafter made to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations, or heretofore or hereafter made by a public utility as defined in the Public Utilities Act, but such a mortgage when once recorded as provided by law, shall remain valid and effective as against creditors of the mortgagor and subsequent purchasers and encumbrancers of the property, mortgaged without rerecording, anything in this section to the contrary notwithstanding. The term "rerecording" as used in this section shall include the recording of a certificate of rerecordation and the provisions of this section, as amended in 1941, shall apply to all mortgages of personal property or crops whether recorded or rerecorded prior or subsequent to the enactment of this section or any amendment thereto.

SEC. 2. Section 2962 of said code is amended to read as follows:

2962. A single mortgage of personal property, embracing several things of such character or so situated that by the provisions of this article separate mortgages upon them would be required to be recorded in different places, or a statement of recordation would be required to be filed, is only valid in respect to the things as to which it is duly recorded or as to which a statement of recordation is duly filed. Single mortgage

SEC. 3. Section 2965 of said code is amended to read as follows:

2965. When personal property mortgaged (other than animate personal property mortgaged by a resident of this State, and motor vehicles and other vehicles defined in and the mortgaging of which are regulated by the California Vehicle Act) is removed from the county in which it is situated, constructive Removal from county

notice of the mortgage imparted by recordation shall not be affected thereby for 30 days after such removal; but, after the expiration of such 30 days, said recordation shall not impart constructive notice while said property remains removed from the county:

1. Until the mortgagee causes the mortgage to be recorded in the county to which the property has been removed; or

2. Unless the mortgagee causes or has caused a statement of recordation to be filed; or

3. Until the mortgagee takes possession of the property as prescribed in the next section.

Filing with Secretary of State

The statement of recordation shall be filed with the Secretary of State, signed by the mortgagee, stating that a mortgage of personal property has been recorded, the kind or kinds of personal property mortgaged, recording data as to permit the record to be located, and the name and chief place of business of each of the mortgagor and mortgagee. It shall be the duty of the Secretary of State to mark each statement filed with a consecutive file number, and with the date and hour of filing, and to keep such statement in a separate file; and to note and index the filing in a suitable index, indexed according to the name of the mortgagor and mortgagee, and containing a notation of their chief places of business as given in the statement. Presentation for filing of the statement, and payment of the filing fee, shall constitute filing. Such filing shall have the effect of and be equivalent to recording the mortgage in all counties of this State; provided, that the filing shall be ineffective after four years from the date of recording the mortgage until there is a rerecording as provided in Section 2957 and a filing of a statement of rerecordation. Such statement of rerecordation shall be filed in substantially the same manner and form as the statement of recordation, and shall have the effect of and be equivalent to a statement of recordation for four years from the date of rerecording. Upon request of any person, the Secretary of State shall issue a certificate showing whether or not there is on file any presently effective statement, and if so setting forth therein its contents. The fee for filing a statement shall be one dollar ($1) and for issuing a certificate two dollars ($2).

Certificate

Fees

All fees collected pursuant to this section shall be deposited in the General Fund of the State Treasury.

Appropriation

SEC. 3. The sum of five thousand dollars ($5,000), or so much thereof as may be necessary, is hereby appropriated from the General Fund in the State Treasury to the Secretary of State to be expended during the 1955-56 Fiscal Year for costs incurred by him in carrying out the duties imposed on him by this act.

CHAPTER 1604

An act to add Section 1264 to the Military and Veterans Code, relating to memorial buildings.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1264 is added to the Military and Veterans Code, to read:

1264. The governing body maintaining any facilities constructed or maintained pursuant to this chapter may provide for the use of such facilities by persons or organizations other than veterans, either free of charge or for stated compensation to aid in defraying the cost of maintenance, for any purpose not inconsistent with the continued use pursuant to this chapter, but only when such use will not interfere with use of the facilities by veterans' associations.

CHAPTER 1605

An act to add Section 4455.5 to the Public Resources Code, relating to forest insect infestations and disease infections.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 4455.5 is added to the Public Resources Code, to read:

4455.5. The State Forester is authorized to make the necessary surveys and appraisals, to obtain pertinent data and information on insect infestations and disease infections, and he may make expenditures for that purpose.

CHAPTER 1606

An act to add Section 6223 to the Public Resources Code, relating to priority of applications.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 6223 is added to the Public Resources Code, to read:

6223. Applications for purchase, or lease of state lands shall be given the priority of time of filing.

CHAPTER 1607

An act to repeal Section 3 of Chapter 922 of the Statutes of 1945 and Sections 6321.5 and 6901 of the Public Resources Code, to add Section 6818 to the Public Resources Code, relating to applications for erection of structures on tidelands or submerged lands or for depositing or removing material therefrom.

In effect September 7, 1955

[Approved by Governor July 5, 1955 Filed with Secretary of State July 7, 1955]

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

Repeal

SECTION 1. Section 3 of Chapter 922 of the Statutes of 1945 is repealed.

Same

SEC. 2. Section 6321.5 of the Public Resources Code is repealed.

Same

SEC. 3. Section 6901 of the Public Resources Code is repealed.

SEC. 4. Section 6818 is added to the Public Resources Code, immediately preceding the heading of Article 2 of Chapter 3 of Part 2 of Division 6 thereof, to read:

Applications for erection of structures on tidelands, etc

6818. All applications made to the commission pursuant to this chapter for erection of any permanent structure on tidelands or submerged lands or for depositing thereon or removal therefrom of any material shall be submitted by the commission to the Director of Natural Resources to make an examination and report concerning possible interference with the recreational use of lands littoral to the tidelands or submerged lands involved in such application. All such applications shall also be submitted by the commission to the Attorney General for approval as to compliance with the applicable provisions of law and of the rules and regulations of the commission. Should it be found by the commission that the action proposed in any such application would unreasonably interfere with the maintenance or use of the lands involved for recreational purposes or protection of shore properties, such application shall not be granted unless modified in a manner which may avoid such interference.

Effect Stats. 1955, Ch 71

SEC. 5. Section 2 of this act becomes operative only if Section 6321.5 of the Public Resources Code is enacted by the Legislature at its 1955 Regular Session, and in such case immediately subsequent to the time at which said Section 6321.5 takes effect.

CHAPTER 1608

An act to add Section 2847.6 to, and to amend Section 2847 of, the Elections Code, relating to the removal of members of county central committees.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.] In effect September 7, 1955

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

SECTION 1. Section 2847.6 is added to the Elections Code, to read:

2847.6. Any member, other than an ex officio member, of a county central committee in a county containing 20 or more assembly districts, which committee is affiliated with a party with which are affiliated more than 3,000,000 registered voters, who misses more than three consecutive regularly called meetings, without an excuse satisfactory to the committee, may be removed by a vote of the committee concerned.

SEC. 2. Section 2847 of said code is amended to read:

2847. In the event of the appointment or election to any party committee of an ineligible person, or whenever any member of any party committee dies, resigns or becomes incapacitated to act, or removes from the jurisdiction of the committee, or ceases to be a member of that committee's party, a vacancy exists, which shall be filled by appointment by the committee in which the ineligibility or vacancy occurs. In the case of a county central committee containing 20 or more assembly districts, which committee is affiliated with a party with which are affiliated more than 3,000,000 registered voters, a vacancy shall also exist on such committee when a member is removed therefrom pursuant to Section 2847.6.

CHAPTER 1609

An act to add Sections 60623 and 61623 to the Government Code, relating to community services districts.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.] In effect September 7, 1955

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

SECTION 1. Section 60623 is added to the Government Code, to read:

60623. A district having power to own or operate a water system may contract with any city, county, district, municipal corporation, political subdivision, public corporation, or other public agency of the State, to purchase or acquire from, or to

sell to, or jointly to acquire, construct, operate, or maintain a water system or water supply to serve their inhabitants.

SEC. 2. Section 61623 is added to said code, to read:

61623. A district having power to own or operate a water system may contract with any city, county, district, municipal corporation, political subdivision, public corporation, or other public agency of the State, to purchase or acquire from, or to sell to, or jointly to acquire, construct, operate, or maintain a water system or water supply to serve their inhabitants.

Effect Stats 1955, Ch 1746

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 1714 of the 1955 General Session is enacted into law and in such case at the same time as said Senate Bill No. 1714 takes effect; at which time Section 1 of this act is repealed.

CHAPTER 1610

An act to amend Sections 12602 and 12604 of the Education Code, relating to school district employees.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 12602 of the Education Code is amended to read:

Verified statement

12602. Any employee of any school district who is now or since October 3, 1945, was knowingly a member of the Communist Party, and who has not previously filed the statement required by this section, shall within ninety (90) days of the effective date of the amendment of this section file with the governing board of the school district employing him a verified statement that he is no longer a member of the Communist Party and that such membership has been terminated in good faith. Any such employee who fails to file such a statement within the time specified shall be guilty of insubordination and guilty of violating this section and shall be suspended and dismissed from his employment in the manner provided by law.

SEC. 2. Section 12604 of the Education Code is amended to read:

Appearance before legislative committees, etc

12604. It shall be the duty of any employee of any school district who may be subpenaed by a United States Congressional Un-American Activities Committee or a subcommittee thereof or a California Legislative Un-American Activities Committee or a subcommittee thereof or any other committee or subcommittee of the United States Congress or the California Legislature or of either house of either thereof to appear before said committee or subcommittee and specifically to answer under oath a question or questions propounded by

any member or counsel of the committee or subcommittee relating to:

(a) Present personal advocacy by the employee of the forceful or violent overthrow of the Government of the United States or of any state or political subdivision.

(b) Present knowing membership in any organization which, to the knowledge of such employee, advocates the forceful or violent overthrow of the Government of the United States or of any state or political subdivision.

(c) Past knowing membership at any time since October 3, 1945, in any organization which, to the knowledge of such employee, during the time of the employee's membership advocated the forceful or violent overthrow of the Government of the United States or of any state or political subdivision.

(d) Past knowing membership of such employee in the Communist Party at any time since October 3, 1945.

(e) Present knowing membership of such employee in the Communist Party.

(f) Present personal advocacy by the employee of the support of a foreign government against the United States in the event of hostilities.

Penalty

Any employee who fails or refuses to answer under oath on any ground whatsoever any such question propounded by any member or counsel of any such committee or subcommittee shall be guilty of insubordination and guilty of violating this section and shall be suspended and dismissed from his employment in the manner provided by law.

Legislative declaration

SEC. 3. The purpose of this act is to enforce the provisions of Section 19 of Article XX of the State Constitution in all school districts and to declare a state policy and provide a uniform procedure applicable to all school districts whereby members of school district governing boards shall suspend and dismiss or refuse to employ persons who are knowingly members of the Communist Party and shall suspend and dismiss employees who fail or refuse to answer the pertinent questions specified in this act. Nothing in this act is intended or shall be construed to limit or restrict the rule-making power of governing boards of school districts. Any rule, regulation or order heretofore adopted on this subject by any such governing board is hereby validated and declared to be fully and completely effective to the extent it is consistent with this act and any such rule, regulation or order shall only be superseded by this act on the effective date of this act to the extent inconsistent with this act.

Severability

SEC. 4. 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.

CHAPTER 1611

An act to amend Section 9580 of the Business and Professions Code, relating to cleaning, dyeing, and pressing.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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:

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 by the board or the director to a sum not less than thirty dollars ($30).

(c) The annual license fee for each private school or college of spotting, sponging or pressing 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 or the director 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 shall be set by the board annually at not more than five dollars ($5) and not less than one dollar ($1).

(f) The fee for a duplicate license or certificate of registration is one dollar ($1).

CHAPTER 1612

An act to amend Section 14289 of the Health and Safety Code, relating to community services districts.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 14289 of the Health and Safety Code is amended to read:

14289. Upon the dissolution of any district the property of the district lying within the corporate limits of any city vests absolutely in the city; and the property of the district without the corporate limits of any city vests absolutely in the county within which the district was situated. In the event a community services district has been formed pursuant to Division 3 of Title 5 of the Government Code, which community services

district will render the fire protection services previously rendered by the district, the property of the district, upon its dissolution, vests absolutely in such community services district.

SEC. 2. Section 14289 of said code is amended to read:

14289. Upon the dissolution of any district the property of the district lying within the corporate limits of any city vests absolutely in the city; and the property of the district without the corporate limits of any city vests absolutely in the county within which the district was situated. In the event a community services district has been formed pursuant to Division 2 of Title 6 of the Government Code, which community services district will render the fire protection services previously rendered by the district, the property of the district, upon its dissolution, vests absolutely in such community services district.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill 1714 of the 1955 General Session is enacted into law, and in such case at the same time as said Senate Bill 1714 takes effect; at which time Section 1 of this act is repealed.

Effect Stats 1955, Ch 1746

CHAPTER 1613

An act to amend Section 8020 of the Business and Professions Code, relating to the licensing and regulation of shorthand reporters.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 8020 of the Business and Professions Code is amended to read:

8020. Any citizen of the United States over the age of 21 years, of good moral character, having a high school education or its equivalent as determined by the board, and being 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 regulations as the board may prescribe shall be entitled to a certificate and shall be styled and known as a certified shorthand reporter. No person shall be admitted to the examination unless he first presents satisfactory evidence to the board that he has both:

(a) Made a verbatim shorthand report of such portion of the oral proceedings of a court of record of this State as may be prescribed by the board, not to exceed 60 hours, and such report was taken under the supervision of a certified shorthand reporter designated by the board.

(b) Transcribed satisfactorily such portion, as shall be designated by the board, of his notes of such report.

CHAPTER 1614

An act to amend Sections 12, 13, and 20 of, and to add Sections 12A and 35 to, the Ventura County Flood Control Act, relating to the Ventura County Flood Control District.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 12 of the Ventura County Flood Control Act is amended to read:

Taxes and assessments: Power to levy

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

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

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

Manner of levy and collection

Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone except as provided in Section 14 hereof; and

Limitation

provided further, however, that the aggregate taxes or assessments levied under this act for any one fiscal year shall not exceed twenty (20) cents on each one hundred dollars ($100) of the assessed valuation of the taxable property in said zones exclusive of any tax or assessment levied to meet the bonded indebtedness of said zones or district and the interest thereon.

SEC. 2. Section 12a is added to said act, to read:

Construction

Sec. 12a. The provisions of this act concerning the levy and collection of taxes shall be construed to mean that all proceedings in connection with the preparation and adoption of a

budget for the district may be done and taken in conjunction with the preparation and adoption of the budget for the County of Ventura except that the resolution adopting the final budget for the district shall be adopted by the Board of Supervisors of the Ventura County Flood Control District. The fixing of the tax or assessment rate of the district, and the levying of any tax or assessment, shall be done by the Board of Supervisors of the County of Ventura in accordance with the provisions of Section 29120 of the Government Code.

SEC. 3. Section 13 of said act is amended to read:

Claims

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

SEC. 4. Section 20 of said act is amended to read:

Applicable laws

Sec. 20. So far as they are applicable and not in conflict with the specific provisions of this act, all matters relating to taxes and assessments levied pursuant to this act are to be governed by the laws of this State relating to county property taxes and the duties of the several county officers with respect thereto. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

SEC. 5. Section 35 is added to said act, to read:

Bonds

Sec. 35. Notwithstanding any other provisions of this act, bonds may be issued by the Ventura County Flood Control District as a unit and without regard to zones to finance any project for importing water into the district for the benefit of the entire district. Said bonds shall be authorized and issued in the same manner and form and with the same effect and the proceeds shall be subject to the same restrictions as provided in Sections 15, 16, and 17 of this act for the issuance of bonds for any zone, except that it shall be sufficient to do anything required to be done by said sections as though the entire district constitutes but one zone. The form of the bond need not designate any participating zone but the bonds shall be issued in the name of the district.

Engineers' report

Before any resolution required by the provisions of subdivision (1) of Section 15 is adopted, there shall first be on file in the office of the board of supervisors a report or reports from engineers showing the matters specified in subdivisions 1, 2, 3, 4, and 5 of Section 10 of this act, and if the project is undertaken or is to be undertaken in conjunction with or in cooperation with other public or private bodies, a general statement of the financing plan of the entire project shall likewise be on file. The resolution shall state that such report or reports are on file and shall refer to it or them for further particulars. The provisions of Section 21 of this act shall apply to bonds issued pursuant to this section and the pro-

visions of Section 25 of this act shall apply to any issue of additional bonds under this section.

Lien

Any bonds issued under the provisions of this act shall be a lien upon all but only the taxable property in the district, and the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Said bonds and the interest thereon shall be paid by revenue derived from an annual tax upon all the taxable property within said district, and all the taxable property in said district shall be and remain liable to be taxed for such payments.

Tax levy or assessment

The board of supervisors shall levy a tax or assessment each year upon all of the taxable property in the district sufficient to pay so much of the interest upon said bonds for that year and such portion of the principal thereof as is to become due before the time for making the next general tax levy which will not otherwise be paid out of other funds. Such tax shall be levied and collected in the district together with and not separately from taxes for county purposes, and when collected shall be paid into the county treasury of said Ventura County to the credit of the district, and be used for the payment of the principal and interest on said bonds, and for no other purpose. The principal and interest on said bonds shall be paid by the County Treasurer of said Ventura County in the manner provided by law for the payment of principal and interest on bonds of said county. Any funds of the district received from the sale of water imported as the result of the construction of any project by the expenditure of money raised by the sale of bonds issued in accordance with this section or by the sale or rental of any property purchased or constructed through the expenditure of any money raised by the sale of bonds issued in accordance with this section may be applied toward the payment of the principal and interest on said bonds without, however, causing said bonds to be or to become revenue bonds. Taxes or assessments levied pursuant to the provisions of this section are declared to be for the common benefit of the district as a whole and it is further declared that all property within the district is equally benefited by any action taken under the provisions of this section.

Defeat of proposition

Should a proposition for issuing bonds for the district submitted at any election under this section 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 supervisors of said 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 section.

CHAPTER 1615

An act to amend Sections 55104, 55374, 55520, 55522 and 55523 of, and to add Section 55880.5 to, the Water Code, relating to county water works districts.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 55104 of the Water Code is amended to read:

55104. The formation petition shall contain: Petition Contents

(a) The name and boundaries of the proposed district to be benefited by the improvement.

(b) A general description of the improvement desired for the purpose of supplying the inhabitants of the district with water, and which may embrace any or all of the following: the acquisition, construction, installation, completion, extension, repair, or maintenance of water works, structures, and appliances, and the acquisition, by purchase, condemnation, contract, lease, or otherwise, of lands, rights of way, water, water rights, and water service, necessary or convenient for such purpose.

(c) An estimate of the cost of the proposed improvement and of the incidental expenses in connection therewith.

(d) A request that an election be called in the district for the purpose of submitting to the qualified voters thereof the proposition of forming the district and the incurring of any indebtedness by the issuance of bonds of the district to pay the cost and expenses of the proposed improvement or any part thereof.

(e) Said petition may contain the further provision that petitioners request that a board of directors be appointed for the district immediately upon its creation, said board of directors to have all of the qualifications and powers required under Chapter 1 of Part 3 of this division. The original and subsequent terms of office of the members of such board shall be as provided in Section 55305.

SEC. 2. Section 55374 of said code is amended to read:

55374. Whenever any portion of the territory of a district shall be annexed to, or otherwise included within any one municipal corporation which owns works for supplying its inhabitants with water, the board may lease to the municipal corporation, for periods not exceeding five years, the portion of the district's distributing system that is in the portion of the district annexed to or included in the municipal corporation. Distributing systems. Lease

SEC. 3. Section 55520 of said code is amended to read:

55520. The board may issue and sell the bonds of the district, when authorized, at not less than par value, and the proceeds of the sale shall be placed in the county treasury to the credit of the proper district fund and shall be applied exclusively to the purposes and objects mentioned in the ordi- Sale of bonds

nance or resolution ordering the holding of the bond election; provided, however, that when said purposes and objects have been accomplished any moneys remaining in said fund shall be transferred to the general fund of the district and may be used by the board for any lawful purpose of the district.

SEC. 4. Section 55522 of said code is amended to read:

Payment

55522. The board shall designate an amount, not less than one-fortieth of the whole amount of the indebtedness, which shall be paid annually at a fixed time and place, together with the interest on all sums unpaid. The rate of interest shall be designated in the bonds and shall be paid semiannually at a rate not in excess of 8 per cent per year; except that interest for the first year after the date of the bonds may be made payable at the end of said year.

SEC. 5. Section 55523 of said code is amended to read:

Maturity date

55523. The board may determine and fix a date for the earliest maturity of the principal of the bonds not more than 10 years from the date of issue of bonds, but, in this event, the whole amount of the indebtedness must be made payable in not to exceed 40 years from the time of contracting the same; and beginning with the date of earliest maturity of the bonds not less than one-fortieth of the whole amount of the indebtedness shall be paid annually.

SEC. 6. Section 55880.5 is added to said code, to read:

Petition

55880.5. Prior to circulating any petition for the inclusion of land under this chapter, the proponents shall cause to be filed with the clerk of the board a notice of intention to circulate a petition, which notice shall contain the names of the proponents, shall state the fact that it is intended that a petition be circulated for purposes of including land pursuant to this chapter, and shall include a description of the lands proposed to be included. The clerk shall cause the notice to be published once a week for two consecutive weeks in a newspaper of general circulation in the area proposed to be included in the district. Upon completion of such publication, the clerk shall cause proof of publication to be made and shall give notice thereof to the proponents. From and after such notice of publication by the clerk to the proponents, the proponents may circulate the petition.

CHAPTER 1616

An act to add Article 3 to Chapter 4 of Part 5 of Division 16 of the Water Code, relating to county water works districts.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Article 3 is added to Chapter 4 of Part 5 of Division 16 of the Water Code, to read:

Article 3. Inclusion of Portion of District in Municipality

55959. Whenever any portion of a district is included within a city by reason of incorporation, annexation or otherwise, prior to the issue by the district of any bonds for improvements in such portion and prior to the acquisition or construction of any district improvements for such portion, then such portion may be withdrawn from the district and after such withdrawal (a) such portion shall not be subject to taxation for any bonds of the district theretofore or thereafter voted or issued and (b) no district improvements shall thereafter be acquired or constructed for such portion. Such withdrawal shall be effective upon the filing with the State Board of Equalization, the board of the district and the county assessor of copies of a map of the included portion and copies of a resolution of the legislative body of the city describing the included portion and declaring such portion withdrawn from the district.

CHAPTER 1617

An act to amend Section 533 of the Public Utilities Code, relating to free passage on common carriers.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 533 of the Public Utilities Code is amended to read:

533. The officers and employees of the operations and safety section of the transportation division of the commission, shall, when in the performance of their official duties, have the right to pass, free of charge, on all railroads, cars, vessels, and other vehicles of every common carrier subject to control or regulation by the commission, between points within this State, whether such railroad, car, vessel, or other vehicle is used for the transportation of passengers or freight, and regardless of its class.

CHAPTER 1618

An act to authorize suits against the State of California to quiet title against it to real property entitled to be purchased under the provisions of an act entitled "An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California," approved March 30, 1868, or any

of the acts supplementary thereto and amendatory thereof, and regulating the procedure therein.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

Quiet title actions against State Tidelands

SECTION 1. In all cases where the State of California has sold any salt marsh and tidelands under the provisions of the following named acts or of any of them, to wit: "An act to survey and dispose of certain salt marsh and tidelands, belonging to the State of California," approved March 30, 1868, and an act entitled "An act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California,' approved March 30, 1868," approved April 1, 1870, and an act entitled "An act supplementary to and amendatory of an act supplementary to and amendatory of an act entitled 'An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California,' approved March 30, 1868; also, an act approved April 1, 1870," approved March 30, 1874, to any person or persons and the person or persons purchasing said lands has paid all of the installments required to be paid by him or them on the purchase price thereof prior to the enactment of an act entitled "An act to abolish the State Board of Tideland Commissioners, and to repeal Sections 365 and 698 of the Political Code," approved February 4, 1876, and where no deed was ever executed and delivered to such purchaser or purchasers conveying to him or them the lands so purchased, or where such deed, if delivered, has been lost by such purchaser or purchasers or has never been recorded, the person or persons so purchasing said lands, or his or their successor or successors in interest, is and are hereby authorized to bring suit against the State of California in any court of said State of competent jurisdiction to quiet title to said land, or to any portion thereof, and to prosecute the same to final judgment.

Complaint, etc

SEC. 2. The complaint in any such action must contain a statement of the time, place and conditions of sale of the lands concerning which title is shown to be quieted, together with a statement of all moneys paid under the terms of said sale and the date of such payments. The rules of practice in civil cases relating to suits to quiet title shall apply to such suits as may be brought under this authorization, except as otherwise herein provided. No costs against the State shall be allowed in any such suit.

Service of summons

SEC. 3. Service of summons in such suits shall be made upon the chairman of the State Lands Commission and upon the Attorney General, and it shall be the duty of the Attorney General to represent the State in all such suits.

Limitation on actions

SEC. 4. Any such suits to quiet title shall be commenced within one year after this act takes effect.

CHAPTER 1619

An act to amend Sections 249.01 and 371.5 of the Vehicle Code, relating to caravaning and registration of vehicles.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 249.01 of the Vehicle Code is amended to read:

249.01. "Caravaning" Defined. "Caravaning" as used in this chapter means the transportation of any vehicle of a type subject to registration under this code, operated on its own wheels, or in tow of a motor vehicle, for the purpose of selling or offering the same for sale to or by any agent, dealer, purchaser or prospective purchaser, whether such agent, dealer, purchaser or prospective purchaser may be located within or without this State; but "caravaning" does not include the transportation of any trailer coach irrespective of the purpose for which it is transported or the transportation of a vehicle by or for the legal owner or his agent for the purpose of enforcing the security interest of such legal owner.

"Caravaning"

SEC. 2. Section 371.5 of said code is amended to read:

371.5. Registration Fees for Vehicle Registered Outside This State. In addition to the registration fee specified in Section 370 and any weight fee, there shall be paid a service fee of three dollars ($3) for the original registration within this State of every vehicle previously registered outside this State; except that such service fee in the case of a trailer coach shall be six dollars ($6). If such vehicle has been registered and operated in this State during the same year in which application for re-registration is made, a fee of one dollar ($1) only shall be paid.

Out-of-state vehicles' Registration fees

SEC. 3. If any provision of Sections 249.01 or 371.5 of the Vehicle Code or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of said sections which can be given effect without the invalid provision or application, and to this end the provisions of said sections are severable.

Severability clause

CHAPTER 1620

An act to add Section 4700.5 to the Penal Code, relating to coroner services performed in state prisons.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 4700.5 is added to the Penal Code, to read:

4700.5. Whenever the coroner of a county in which is located a state prison is called upon in his official capacity to perform services in connection with the death of an inmate of such prison, the county clerk of the county in which such services were performed shall make out a statement of all the costs incurred by the county for such services, which statement shall be properly certified to by a judge of the superior court of such county. The statement shall then be sent to the Department of Corrections for its approval, and, if approved, the amount of such costs shall be paid out of the money appropriated for Departmental Administration, Department of Corrections, and remitted to the county treasurer of the county in which the services were performed.

CHAPTER 1621

An act to amend Section 383.1 of the Vehicle Code, relating to the refund of fees.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 383.1 of the Vehicle Code is amended to read:

383.1. Procedure for Refund of Fees. (a) Whenever application is made by any person for the registration or transfer of registration of a vehicle or for any other privilege specified in this code and such application is accompanied by any fee which is excessive or not legally due, or whenever the department in consequence of any error either of fact or of law as to the proper amount of any fee or any penalty thereon or as to the necessity of obtaining a registration, transfer of registration or other privilege under this code collects any fee or penalty which is excessive, erroneous or not legally due, the person who has paid any such erroneous or excessive fee or penalty, or his agent on his behalf, may apply for and receive a refund of the amount thereof as provided in this section.

(b) The applicant may within not more than one year from the date of payment of such erroneous or excessive fee or penalty present an application in writing to the department identifying the payment made and stating the grounds upon which it is claimed that such payment was excessive or erroneous.

(c) Whenever any fee or penalty subject to refund under the provisions of this section has not been paid into the State Treasury, the department shall refund the fee or penalty.

(d) Whenever any fee or penalty subject to refund under this section or under Section 10901 of the Revenue and Taxation Code has been paid into the State Treasury to the credit, in whole or in part, of the Motor Vehicle License Fee

Fund or of the Motor Vehicle Fund, the department shall prepare a claim setting forth the facts pertaining to the fee or penalty sought to be refunded and the Controller shall draw his warrant upon the fund or funds to which the fee or penalty was credited. In lieu of filing claims for refund against both the Motor Vehicle Fund and the Motor Vehicle License Fee Fund when an amount has been determined to be due from both funds, the director may file a single claim with the State Controller, drawn against the Motor Vehicle Fund covering the amount of both refunds, and the Controller shall thereupon draw his warrant on the Motor Vehicle Fund. At least quarterly, the director shall certify to the State Controller the amounts paid from the Motor Vehicle Fund which are properly chargeable to the Motor Vehicle License Fee Fund supported by such detail as the Controller may require. Upon order of the State Controller, the amounts so required shall be transferred from the Motor Vehicle License Fee Fund to the credit of the Motor Vehicle Fund.

(e) This section shall be effective as a legislative appropriation of any and all amounts necessary to refund and repay any excessive or erroneous fees and penalties collected under this code and procedure herein prescribed shall be deemed a compliance with the requirements of the Political Code of this State in reference to the refund of excessive or erroneous fees or penalties paid to the Department of Motor Vehicles.

(f) The provisions of this section shall also apply in the event application has been made and fees have been paid for the registration of a vehicle which is not in fact operated upon the highways of this State, during the calendar year for which fees have been paid, but in such event application for refund shall be made within 60 days after the date such fees are paid to the department.

CHAPTER 1622

An act to add Sections 515 and 515.2 to, and to repeal Section 515 of, the Vehicle Code, relating to speed limits.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 515 of the Vehicle Code is hereby repealed.

SEC. 2. Section 515 is added to said code, to read:

515. Speed of Motor Truck or Truck Tractor. No person shall operate upon any highway any motor truck alone or truck tractor alone or any motor truck or truck tractor with any trailer or semitrailer, or any combination thereof, at a speed in excess of 45 miles per hour. This section shall not apply to the operation of any motor truck or truck tractor operated alone and having a gross weight of vehicle and

load of 25,000 pounds or less, nor to any truck tractor with semitrailer having a gross weight of vehicles and load of 25,000 pounds or less.

SEC. 3. Section 515.2 is added to said code, to read:

515.2. Speed Law Based on Tire Equipment. (a) No person shall operate upon a highway any vehicle equipped with any solid tire when such vehicle has a gross weight as set forth in the following table at any speed in excess of the speed set forth opposite such gross weight:

When gross weight of vehicle and load is:	Maximum speed in miles per hour:
10,000 lbs. or more but less than 16,000 lbs.	25
16,000 lbs. or more but less than 22,000 lbs.	15
22,000 lbs. or more	12

(b) No person shall operate upon a highway any vehicle equipped with any metal tire in contact with the surface of the highway at a speed in excess of six miles per hour.

CHAPTER 1623

An act to amend Sections 3055 and 3152 of, and to add Section 3077 to, the Business and Professions Code, relating to the practice of optometry.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 3055 of the Business and Professions Code is amended to read:

Issuance of certificate

3055. All applicants, without discrimination, who satisfactorily pass the examination, shall thereupon be registered in the board's register of optometrists and a certificate of registration shall be issued to each one under the seal and signature of the members of the board. The certificate shall continue in force until the time when the annual license fee becomes due in the year next succeeding.

SEC. 2. Section 3077 is added to said code to read:

"Office"

3077. As used in this section "office" means any office or other place for the practice of optometry.

(a) No person, singly or in combination with others, may have an office unless he is registered to practice optometry under this chapter.

(b) An optometrist, or two or more optometrists jointly, may have one office without obtaining a further license from the board.

(c) On and after January 1, 1957, no optometrist, and no two or more optometrists jointly, may have more than

one office unless he or they comply with the provisions of this chapter as to each such additional office. Each such additional office, for the purposes of this chapter, constitutes a branch office.

(d) Any optometrist who has, or any two or more optometrists, jointly, who have, a branch office prior to January 1, 1957, and who desire to continue such branch office on or after that date shall notify the board in writing of such desire in a manner prescribed by the board.

(e) On and after January 1, 1957, any optometrist, or any two or more optometrists, jointly, who desire to open a branch office shall notify the board in writing in a manner prescribed by the board.

(f) On and after January 1, 1957, no branch office may be opened or operated without a branch office license. Branch office licenses shall be valid for the calendar year in or for which they are issued and shall be renewable on January 1st of each year thereafter. Branch office licenses shall be issued or renewed only upon the payment of the fee therefor prescribed by this chapter.

(g) Any failure to comply with the provisions of this chapter relating to branch offices or branch office licenses as to any branch office shall work the suspension of the certificate of registration of each optometrist who, individually or with others, has such branch office. A certificate of registration so suspended shall not be restored except upon compliance with such provisions and the payment of the fee prescribed by this chapter for restoration of a certificate of registration after suspension for failure to comply with the provisions of this chapter relating to branch offices.

(h) The holder or holders of a branch office license shall pay the annual renewal fee therefor in the amount required by this chapter between the first day of January and the first day of February of each year. The failure to pay such fee in advance on or before February 1st of each year during the time it is in force shall ipso facto work the suspension of such branch office license. Such license shall not be restored except upon written application and the payment of the penalty prescribed by this chapter, and, in addition, all delinquent branch office fees.

(i) Nothing in this chapter shall limit, or authorize the board to limit, the number of branch offices which may be opened or operated by any optometrist or by any two or more optometrists, jointly, whose operations conform to the provisions of this chapter.

SEC. 3. Section 3152 of said code is amended to read:

3152. The amount of fees and penalties prescribed by this chapter is that fixed in the following schedule: Fee schedule

(a) The fee for applicants applying for the first time for a certificate of registration who present credentials of graduation from optometry schools in California is twenty-five dollars ($25) which shall not be refunded, except that applicants who

are found ineligible to take an examination for a certificate of registration are entitled to a refund of fifteen dollars ($15).

(b) The fee for applicants applying for the first time for a certificate of registration who present credentials of graduation from optometry schools other than those in California is thirty-five dollars ($35) which shall not be refunded, except that applicants who are found ineligible to take an examination for a certificate of registration are entitled to a refund of twenty dollars ($20).

(c) The fee for applicants for a certificate of registration who have previously taken the examination for such a certificate is twenty dollars ($20).

(d) The fee for the restoration of a certificate of registration after suspension for nonregistration is twenty-five dollars ($25).

(e) The annual fee for renewal of a certificate of registration shall be fixed by the board at not more than twenty-five dollars ($25) nor less than sixteen dollars ($16).

(f) The penalty for failure to pay the annual fee is twenty-five dollars ($25).

(g) The fee for a branch office license is ten dollars ($10).

(h) The annual fee for the renewal of a branch office license is ten dollars ($10).

(i) The penalty for failure to pay the annual fee for renewal of a branch office license is fifteen dollars ($15).

(j) The fee for restoration of a certificate of registration after suspension for failure to comply with the provisions of this chapter relating to branch offices is twenty-five dollars ($25).

(k) The fee for issuance of a duplicate certificate of registration upon loss of an original certificate of registration or upon change of name authorized by law of a person holding a certificate of registration under this chapter is five dollars ($5).

CHAPTER 1624

An act to amend Sections 14122.1, 14131, and 14132 of the Education Code, relating to school district merit systems for noncertificated employees.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 14122.1 of the Education Code is amended to read:

Provisional appointments

14122.1. Successive provisional appointments of 90 working days or less each may be made in any class in the absence of an appropriate eligibility list; provided, that continuous examination procedures for the class have been authorized by the commission. Such successive provisional appointments may be

made and persons employed in temporary capacities under a given governing board for a total of more than six months in any one year. Such appointments may continue for the length of time for which they were made, but may not be extended if a certification can be made from an appropriate eligibility list. While this section is in effect, it shall supersede any other provisions of this article which are in conflict with this section, but only to the extent there is a conflict.

SEC. 2. Section 14131 of said code is amended to read:

Disciplinary action

14131. For reasonable causes an employee may be suspended without pay for not more than 30 days except as provided in this section or may be demoted or dismissed. In such case the personnel director shall within seven days of the suspension, demotion, or dismissal file written charges with the commission and give to the employee or deposit in the United States registered mail with postage prepaid, addressed to the employee at his last known place of address, a copy of the charges.

Upon filing of a complaint, information or indictment that an employee has committed a sex offense as defined in Section 12011.7, the employee may immediately be suspended for a period of time extending for not more than 10 days after the date of the entry of the court judgment; provided, that the suspension may be extended beyond such 10-day period in case the governing board gives notice within such 10-day period that it will dismiss the employee 30 days after the service of the notice, unless he demands a hearing. An employee so suspended shall continue to be paid his regular salary during the period of the suspension if and during such time as he furnishes to the school district a suitable bond, or other security acceptable to the governing board, as a guarantee that the employee will repay to the school district the amount of salary so paid to him during the period of the suspension in case the employee is convicted of a sex offense as defined in Section 12011.7 or he does not return to service after such period of suspension. If the judgment determines that the employee is not guilty of a sex offense as defined in Section 12011.7, or if the complaint, information or indictment is dropped, the school district shall reimburse the employee for the cost of the bond; or, if the employee has not elected to furnish such bond, the school district shall pay to the employee his full compensation during the period of the suspension; provided, he returns to service after such period of suspension.

SEC. 3. Section 14132 of said code is amended to read:

Appeal

14132. An employee in the permanent classified service who has been suspended, demoted, or dismissed may appeal to the commission within 14 days after receipt of a copy of the written charges by filing a written answer to the charges. Such an appeal is not available to an employee who is not in the permanent classified service except as provided by rules of the commission.

CHAPTER 1625

An act to add Section 7714.2 to the Education Code, relating to state school building aid.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 7714.2 is added to the Education Code, to read:

7714.2. Notwithstanding any other provision of this chapter to the contrary, whenever it appears (1) that a district made application for an apportionment of funds under this chapter for the construction of school facilities to be located on a new school site, which application was approved by the Department of Education; (2) that the board upon consideration of such application found that it would be good practice to continue the use of the existing school and site, and thereupon made an apportionment for surveys and plans for the rehabilitation and enlargement of such school on the pre-existing site; (3) that on the date of such action by the board the district made application for an apportionment of funds under this chapter for the rehabilitation and enlargement of the existing school facilities of the district; (4) that at the time of making such conditional apportionment the board determined that the district was not required to issue and sell additional bonds of the district; and (5) that the district had prior to the date of the aforesaid board action voted to accept, expend and repay, as provided in this chapter, an apportionment or apportionments in an amount sufficient to include all apportionments made to the district up to and including the date of the aforesaid board action, the board may at any time within two years of the effective date of this section consider or reconsider and approve or reject either of such applications submitted by the school district. If the board approves of either of such applications, either in whole or in part, it shall, by resolution make such apportionment or apportionments to the district from the State School Building Aid Fund as the board may deem appropriate without the necessity of the district complying with any provisions of this chapter which constitute conditions precedent to an apportionment being made or becoming final.

The provisions of this section shall remain in effect only until the ninety-first day after the final adjournment of the 1957 Regular Session of the Legislature.

CHAPTER 1626

An act to amend Section 375, and to repeal Sections 375.5, 376, and 377, of the Fish and Game Code, relating to federal preserves.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 375 of the Fish and Game Code is amended to read:

Acceptance of "Migratory Bird Conservation Act"

375. The people of the State of California through their legislative authority, accept the provisions and benefits of the act of Congress known as the "Migratory Bird Conservation Act," approved February 18, 1929. With the approval of the Fish and Game Commission of the State of California first had and obtained, they consent to the acquisition by the United States by purchase, lease, gift or devise, of such areas of land, water, or land and water, within the State of California, as the United States or its properly constituted officers or agents may deem necessary for migratory bird reservations in carrying out the provisions of said act of Congress; saving and reserving, however, to the State of California such full and complete jurisdiction and authority over all such areas as are not incompatible with the administration, maintenance, protection and control thereof by the United States under the terms of said act of Congress, and saving and reserving to all persons within such areas all rights, privileges and immunities under the laws of the State of California insofar as the same are compatible with the administration, maintenance, protection and control of such areas by the United States under the terms of said act of Congress.

Prior to such approval by the Fish and Game Commission, the legislative body of the county concerned shall have given its written consent to the commission for the proposed acquisition.

In lieu taxes

If in any year, on lands hereafter acquired, the in lieu payments from the United States to the county, pursuant to the provisions of law, do not equal the taxes assessed on a given project, the Department of Fish and Game shall pay from income derived from hunting privileges on the project an amount equal to the balance of the taxes on the entire project. For the purposes of this section, the taxes on a given project shall be defined as the assessed taxes on the project at the time of acquisition, plus any subsequent increases that may accrue from general county increases in the tax rates, but not subject to re-evaluation of such project properties after the time of acquisition.

Repeal

SEC. 2. Sections 375.5, 376, and 377 of said code are repealed.

CHAPTER 1627

An act to add Article 15 to Chapter 3, Part 2, Division 1 of the Insurance Code, relating to insurance.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Article 15 is added to Chapter 3, Part 2, Division 1 of the Insurance Code, to read:

Article 15. Merger

1540. Two domestic reciprocal insurers, upon affirmative vote of not less than two-thirds of the subscribers of each such insurer who vote on such merger pursuant to due notice and the prior approval of the commissioner of the terms of such notice, of the manner and form of such voting and of such proposed merger, may merge. The commissioner shall not approve any plan for such merger which is inequitable to subscribers, or in any case where the by-laws or other rules, regulations, power of attorney or other instrument affecting the rights of subscribers of either such reciprocal, has been amended within one year prior to the date of filing with the commissioner of the application for such approval.

CHAPTER 1628

An act to add Sections 6136.1, 14740.2, 14740.3, 14722.2 and 14746 to, and to amend Section 14741 of, the Education Code, relating to school district retirement systems.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 6136.1 is added to the Education Code, to read:

Void warrants

6136.1. Any warrant drawn on the funds of a district retirement system and issued to the claimant thereof but not presented for payment to the county treasurer within two years after it was issued is void and the proceeds of such warrants shall revert to and become a part of the contributions of the district and shall be applied to reduce the cost to the taxpayers of the district maintaining the retirement system. The county auditor shall each month inform the county superintendent of schools of warrants which have become void during the preceding month, and the county superintendent of schools shall transmit such information to the governing board of the school district.

SEC. 2. Section 14740.2 is added to said code, to read:

14740.2. Any other provisions of law to the contrary notwithstanding, whenever any retirement benefits under a district retirement system payable solely by reason of death of the retired member to his estate, heir or beneficiary have been unclaimed for a period of four years from the date of notification, by the district retirement system, by means of United States mail, to the estate, heir or beneficiary, such funds shall revert to and become a part of the contributions of the district and shall be applied to reduce the cost to the taxpayers of the district maintaining the retirement system. Unclaimed retirement benefits

The district retirement system may at any time after reversion of such benefits to the district and upon receipt of proper information satisfactory to it, return from district contributions, an amount equal to that which had, on account of such deceased member, reverted to the district.

SEC. 3. Section 14740.3 is added to said code, to read:

14740.3. Any other provisions of law to the contrary notwithstanding, whenever any warrant drawn in payment of contributions or accumulated contributions or benefits under a district retirement system, remains unclaimed or the claimant cannot be found, the proceeds of such warrant shall be redeposited in the respective fund, or funds, from which they were derived, and held for the claimant, without further accumulation of interest, and such redeposit shall not operate to reinstate the membership of the claimant in the district retirement system. If said proceeds, whether heretofore or hereafter redeposited, are not claimed within four years after the date of redeposit, they shall revert to and become a part of the contributions of the district and shall be applied to reduce the cost to the taxpayers of the district maintaining the retirement system and on account of which said contributions were made. Unclaimed warrants

The provisions of this section apply to warrants drawn under a district retirement system and which would become void under the provisions of Section 6136 of the Education Code.

The district retirement system may at any time, after the reversion of proceeds to the district maintaining the retirement system, and upon receipt of proper information satisfactory to it, return from district contributions, an amount equal to such proceeds, to the credit of the claimant to be administered in the manner prescribed under the district retirement system.

The deposit in such funds of the proceeds of unclaimed and unpaid warrants prior to the date this section becomes operative, in accordance with the procedure specified in this section, is hereby validated, ratified, and confirmed. Ratification

SEC. 4. Section 14722.2 is added to said code, to read:

14722.2. This Section 14722.2, and the death benefit provided in this section, shall only be operative in the district retirement system if, when and during such time as a death Payment of death benefits

benefit is provided and paid by the State Teachers' Retirement System under Section 14575.2 of this code. Upon receipt of due proof of the death of any person, after retirement and while receiving a retirement allowance under the district retirement plan, there shall be paid to such beneficiary as he has nominated by written designation duly filed with the retirement system, the sum of four hundred dollars ($400). Any plan which provides for such death benefit shall also provide that such benefit shall not be payable to the beneficiary of any member in respect to whom a death benefit is paid by the State Teachers' Retirement System under Section 14575.2 of this code, unless such death benefit paid under Section 14575.2 has been reduced by the amount of the death benefit otherwise payable under the district retirement plan.

SEC. 5. Section 14741 of said code is amended to read:

Audits

14741. The county auditor shall audit the accounts of the district retirement board at least once every 12 months and report upon the financial condition thereof to the governing board of the district, except that, in a district operating a district retirement system the funds of which are audited under the provisions of Section 5010 of this code, the county auditor shall not be required to make an audit.

SEC. 6. Section 14746 is added to said code, to read:

Discontinuance of district retirement salary plan

14746. (a) A district retirement salary plan established under this article in any school district or districts, in which the average daily attendance of all districts combined is in excess of 200,000, governed by the same governing board may be discontinued by the governing board of the district or districts, with the consent of the majority of the active members of the system expressing their desires with respect to the discontinuance of the plan evidenced in such manner as the governing board may prescribe; but no discontinuance of any such retirement plan shall be effective for any purpose unless provision is made for retirement allowances for active and retired employees of the district as provided in subdivisions (b), (c), (d), and (e) of this section.

Transfer to State Employees' Retirement System

(b) Active and retired employees of the district or districts who otherwise would be members of such plan, other than teachers and persons employed in a status requisite for membership in the State Teachers' Retirement System or who were so employed prior to retirement, shall be made members and beneficiaries, respectively, of the State Employees' Retirement System according to the provisions of Part 3, of Division 5, of Title 2 of the Government Code, including transfer to said system of the accumulated contributions of said employees, together with such other assets of said plan as may be determined.

Transfer of contributions

(c) Notwithstanding any other provisions of this division, contributions to the discontinued district retirement plan made by teachers and other persons employed by the district or districts in a status requisite for membership in the State Teachers' Retirement System standing to their individual

credit at the date of discontinuance of the district retirement plan shall be deposited forthwith in the Retirement Annuity Fund with credited interest, to be applied on the amount due from said teachers and other persons under Section 14680 of this code, but not to exceed the amount so due. Likewise an amount equal to the actuarial equivalent of the annuity portion of the retirement allowance to which the respective retired teachers and other persons employed by the district or districts, prior to retirement, in a status requisite for membership in the State Teachers' Retirement System were entitled under said plan, based on the interest rate and mortality tables used in its determination, shall be deposited in the Retirement Annuity Fund, to be applied on the amount due from said respective retired teachers and other persons under Section 14683 of this code, but not to exceed the amount so due. Any excess of the contributions with credited interest or the actuarial equivalents, as the case may be, over the respective amounts due under said sections, shall be paid forthwith to the respective active and retired teachers and other persons. Further amounts, if any, due under said sections after said deposits, shall be paid to the Retirement Annuity Fund by the respective active and retired teachers and other persons. The balance of the assets held in the various funds of the discontinued district retirement plan after the deposits and payments required by this section, shall be delivered to the district or districts in which the plan is discontinued.

Payment to retired employees

(d) The district or districts in which the district retirement plan is discontinued shall pay monthly to teachers and other persons employed by the district or districts, prior to retirement, in a status requisite for membership in the State Teachers' Retirement System who were retired prior to the date of such discontinuance an amount equal to the amount by which the retirement allowance to which any of said retired teachers or other persons was entitled under said plan exceeds the increase in said teacher's or other person's retirement allowance under the State Teachers' Retirement System resulting from said discontinuance. If the amount payable to any such teacher or other person, under the sentence next preceding, is less than two dollars ($2), the district or districts may pay, in lieu of such amount, one amount which shall be actuarially equivalent to such monthly amount thereafter payable, according to the interest rate and mortality table used in the determination of the teacher's or other person's retirement allowance under the said district retirement plan. The payment of such actuarially equivalent amount shall discharge fully the district's liability to such teacher or other person under this subdivision (d). The arrangement under which said amounts are paid by said district shall not be considered to be a local retirement system for the purposes of Chapter 14, of Division 7, of the Education Code, nor shall said amount be taken into account in the calculation of re-

tirement allowances under the State Teachers' Retirement System.

Right of employee to change election

(e) If any person who was retired prior to such discontinuance from a position requisite for membership in the State Teachers' Retirement System, under a district retirement salary plan which is discontinued pursuant to this section, elected either under such plan or under such system, but not under both, to have his retirement allowance modified according to an option under which he would receive a smaller allowance and provide a benefit for his beneficiary, such person shall have the right, to be exercised not later than sixty (60) days after the discontinuance of such plan to change his election under the State Teachers' Retirement System with respect to said options. Any computations of actuarial equivalent under a changed election shall be made as of the date of discontinuance of the plan, and no adjustment shall be included in the computation on account of retirement allowance payments made prior to that date.

CHAPTER 1629

An act to add Section 20135 to the Government Code, relating to the State Employees' Retirement System in respect to deductions from allowance payments.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 20135 is added to the Government Code, to read:

20135. Retired members of the system may authorize deductions to be made from their retirement allowance payments in accordance with regulations established by the board for the payment of group insurance premiums and other premiums for benefits or protection provided for under the provisions of Section 1156 of the Government Code.

CHAPTER 1630

An act to amend Section 20981 of the Government Code, and to amend Section 20374.1 of the Education Code, relating to the age of compulsory retirement of state officers and employees.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 20981 of the Government Code is amended to read:

20981. Every state miscellaneous member shall be retired on the first day of the calendar month next succeeding that in which he attains age 70, except as follows:

(a) Any member who is employed in a teaching capacity on a semester or school-year basis may elect to continue in active service until the end of the semester or school-year during which he attains age 70.

(b) Any member who is a state college president may elect to continue in active service until the end of the quarter, semester, or academic year during which he attains age 70.

(c) Any member who is an academic teaching and administrative employee, as defined in Section 20391(1)(e) of the Education Code, may elect to continue in active service until the end of the quarter, semester, or academic year during which he attains age 70.

SEC. 2. Section 20374.1 of the Education Code is amended to read:

20374.1. The employment of any employee of a state college, excepting those employees who on October 1, 1949, were and now are members of the State Teachers' Retirement System, shall terminate on the first day of the calendar month next succeeding that in which he attains age 70, except as follows:

(a) Any person who is employed in a teaching capacity on a semester or school-year basis may elect to continue in active service until the end of the semester or school year during which he attains age 70.

(b) A state college president may elect to continue in active service until the end of the quarter, semester, or academic year during which he attains age 70.

(c) Any person who is an academic teaching and administrative employee, as defined in Section 20391(1)(e), may elect to continue in active service until the end of the quarter, semester, or academic year during which he attains age 70.

CHAPTER 1631

An act to amend Section 20102 of the Government Code, relating to the State Employees' Retirement System in respect to the election of members of the board of administration thereof.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 20102 of the Government Code is amended to read:

20102. The board shall cause ballots to be distributed to each active member of the system in advance of each election, and shall provide for the return of the voted ballots to the Secretary of State without cost to the member. The ballots cast shall be canvassed by the Secretary of State.

CHAPTER 1632

An act to add Section 20896 to the Government Code, relating to the State Employees' Retirement System in respect to time a member is absent from state service because of industrial disability.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 20896 is added to the Government Code, to read:

20896. Any member who is or has been absent from state service because of injury or illness determined by the Industrial Accident Commission within one year after the end of such absence to have arisen out of and in the course of his employment, and who did not receive full compensation, as distinguished from disability benefits payable under the Labor Code, for the entire period of such absence has the right to elect, not later than six months after such determination or six months after the effective date of this section, whichever is later, to pay into the Retirement Fund by lump sum payment or by installment payments over a period not in excess of the period of time he was so absent, the amount necessary to make the accumulated contributions standing to his credit in his individual account the amount it would be if he had not been so absent. Any such member who elects to pay, and pays, such sum into the Retirement Fund is entitled to current service credit for the period of time he was so absent and in respect to which contributions are made pursuant to this section, with the same status, rights, and effect as if the member had not been so absent from state service and the employer shall make the contributions required of employers by law for such service.

SEC. 2. This act shall become operative on the first day of the month next succeeding its effective date, unless its effective date is the first day of the month, in which case it shall become operative on its effective date.

CHAPTER 1633

An act to amend Section 14401 of the Health and Safety Code and to add Section 14451.1 to the Health and Safety Code, relating to the inclusion of cities or portions thereof in fire protection districts and permitting the change of status of city fire personnel to fire protection district employees without prejudice to their civil service status.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 14401 of the Health and Safety Code is amended to read:

Inclusion of cities

14401. Any city or any portion thereof, adjacent to a fire protection district may be embraced and included in a district for fire protection purposes upon the adoption of an ordinance by the governing body of the city declaring its intention and desire that the city or any designated portion thereof be embraced and included within the district, and the filing of a certified copy of the ordinance with the Secretary of State and with the board of supervisors of the county within which the district is located; provided, however, that no city nor any portion thereof shall be annexed to a county fire protection district without the approval of the governing body of the district; and provided further, that the governing body of the district may require as a condition to such annexation or inclusion that the city or portion thereof annexed or included within the district remain a part of such district or its successor district for a period of time not to exceed 10 years.

SEC. 2. Section 14451.1 is added to the Health and Safety Code, to read:

Transfer of employees

14451.1. If the civil service commission or body performing the functions thereof for the district finds that any person has been employed by a city which or any portion thereof has been annexed to or included within a fire protection district, in a position the duties of which, and qualifications for which are substantially the same as those of any position in the fire protection district, at the request of the governing body of the district, the civil service commission or such other body, may certify, without examination, such person as eligible to hold such fire protection district position. If a person is employed by a fire protection district after certification without examination by the civil service commission or similar body because of his employment in a position of similar duties by a city, all time employed in such city position shall be considered as time employed by the fire protection district, for the purpose of determining seniority rights and salary rates.

CHAPTER 1634

An act to amend Section 4354 of the Agricultural Code, relating to marketing of fluid milk and fluid cream.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 4354 of the Agricultural Code is amended to read:

4354. In determining minimum wholesale prices and minimum retail prices in any marketing area, the director shall first make an investigation in such marketing area to establish such facts as shall be necessary to permit him to carry out the intent of this article within the standards herein prescribed. In making such investigation, the director may examine the books and records of distributors and retail stores in such marketing area and shall hold one or more public hearings, take testimony and may subpena witnesses. All testimony received at such hearings shall be under oath. Notice of any hearing held by the director, pursuant to this article, shall be given by the director to every distributor and retail store in such marketing area whose name appears upon the records of the Department of Agriculture or who files a request for the same with the department, by mail or by publication for the time and in the manner prescribed in Section 4273. At the time of giving such notice the director shall mail with such notice to each person to whom such notice is required to be given a schedule showing in detail the proposed minimum prices for fluid milk or fluid cream, or both, together with any other provisions which the director then has under consideration or may then propose to establish for such marketing area based upon the investigations, cost surveys or examinations made by him in such marketing area A record of any and all hearings held by the director, pursuant to this article, shall be made and filed in the office of the director and shall, at all times, be available to inspection by any interested person.

CHAPTER 1635

An act to amend Section 629 of the Agricultural Code, relating to retail sales of condensed or evaporated skim milk.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 629 of the Agricultural Code is amended to read:

629. It is unlawful to sell at retail for consumption within the State of California any condensed or evaporated skim milk in containers smaller than a "number 10 can," except that which is sold exclusively by druggists, orphan asylums, child welfare associations, hospitals and similar institutions upon prescription of a regularly licensed physician All hermetically sealed containers containing condensed or evaporated skim milk must distinctly bear the name and address of the manufacturer thereon, together with the words "condensed skim milk" in roman letters of a size at least as large as the largest of any other words or letters appearing on said brand, indentation or label.

CHAPTER 1636

An act to amend Sections 4730, 4830, 4831, and 4832 of, to add Sections 4831.5, 4832.5, and 4833 to, and to add Chapter 8.5 to Part 1, Division 6, of, the Health and Safety Code, relating to county sanitation districts.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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:

Board members

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.

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.

If the territory of the district lies wholly within a city, the legislative body of said city 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.

SEC. 2. Section 4830 of said code is amended to read:

Annexation of territory: 4830. Territory, whether situated within the same or another county and whether incorporated or unincorporated, which is contiguous to a district, and not included in any other county sanitation district or other district formed for similar purposes, may be annexed, if the board of supervisors finds and determines that the additional territory will be benefited by annexation.

SEC. 3. Section 4831 of said code is amended to read:

Procedure 4831. For the purpose of annexing territory situated within the same county to a district the board of supervisors shall proceed in the same manner as for the formation of a district in the first instance; except that wherever it is required to set forth the boundaries of the proposed district there shall instead be set forth the boundaries of the territory proposed to be annexed and wherever protests are called for or authorized or an election is to be held, the provisions relating thereto shall refer only to the territory proposed to be annexed.

The district board shall before such annexation is completed, by resolution, find and declare that the district will be bene-

fited by the annexation of the territory and consent to its annexation.

SEC. 4. Section 4831.5 is added to said code, to read:

Property situated in another county annexation

4831.5. Property contiguous to a sanitation district but which is situated in a county other than the county in which the sanitation district has been organized may be annexed to said sanitation district pursuant to this section. A verified petition signed by the owners of more than 50 percent of the assessed value of the property sought to be annexed shall be presented to the board of supervisors of the county in which said annexing property is located. Upon receipt of such petition, the board of supervisors shall either approve or disapprove said proposed annexation and, if such approval is given, it shall transmit to the board of directors of the sanitation district a copy of the petition for annexation and a copy of the resolution approving same. Upon receipt of said petition and resolution, the board of directors of the sanitation district shall either consent to or reject said proposed annexation and shall give written notice to said board of supervisors of the action so taken. Upon receipt of notice that said board of directors have consented to said proposed annexation, the board of supervisors of said county in which the annexing territory is so located shall proceed on the matter of annexation in the same manner as for the formation of a district in the first instance; except that wherever it is required to set forth the boundaries of the proposed district there shall be set forth the boundaries of the territory proposed to be annexed, and wherever protests are called for or authorized or an election is to be held, the provisions therefor shall refer only to the territory proposed to be annexed. Upon either (a) disapproval of said proposed annexation by said board of supervisors or (b) rejection thereof by the board of directors of said sanitation district as specified above, the procedures for annexation shall terminate and no further petitions for annexation shall be circulated or presented for a period of six months thereafter.

SEC. 5. Section 4832 of said code is amended to read:

Effect of annexation

4832. Whenever any territory situated within the same county is annexed to a district it thereupon becomes a part of the district and is subject to all the liabilities and entitled to all the benefits of the district.

SEC. 6. Section 4832.5 is added to said code, to read:

4832.5. Whenever any territory in another county is annexed to a district it thereupon becomes a part of the district and is subject to all the liabilities and entitled to all the benefits of the district. The board of supervisors of the county in which is situated the annexing territory shall appoint one of its members to sit as a member of the board of directors of said district. All ordinances theretofore and thereafter adopted by the board of directors shall have full force and effect in all portions of the district regardless in which county the property is situated.

SEC. 7. Section 4833 is added to said code, to read:

Taxes for district located in more than one county

4833. Taxes for a district which is situated in more than one county as provided in this article shall be levied in accordance with the following procedure:

(a) The board of directors shall annually, before the time of fixing the general tax levy for county purposes, estimate the amount of money necessary to be raised by taxation to meet the requirements for operation, maintenance, and payment of principal and interest on outstanding bonds which will become payable before the proceeds of another tax levy made at the time of the next general tax levy for county purposes can be made available for payment of such operation, maintenance, principal and interest.

(b) The total estimate shall be divided by the board of directors in proportion to the value of the real property of the district in each county. The value shall be determined from the equalized values of the last assessment rolls of the counties. When the division of the estimate has been made, the board of directors shall promptly certify to the boards of supervisors of the counties in which the district is situated the respective parts of the estimate apportioned to each county.

(c) The board of supervisors of each county in which is situated any part of a district shall annually, at the time of levying county taxes, levy a tax upon all the property within the district situated in the county sufficient to raise the amount so certified to the board of supervisors by the board of directors.

(d) The tax shall be collected by the same officers and in the same manner as other county taxes, and the money so collected shall be deposited in the county treasury of the county in which the original district was created and credited to the account of said district.

(e) The treasurer of the county in which is situated the annexing territory shall at any time, but not oftener than twice a year, upon order of the board of directors, settle with the board of directors and pay over to the county treasurer, who is the repository of the funds of said district, all money in his possession belonging to said district.

SEC. 8. Chapter 8.5 is added to Part 1, Division 6 of said code, to read:

CHAPTER 8.5. DISTRICT REORGANIZED FROM COUNTY SANITATION DISTRICT

Duties of county officers

6825. Any duty imposed by this part on any county officer shall be deemed imposed on the county officers of the respective counties in which is situated a sanitary district reorganized under Section 4857 of this code from a county sanitation district encompassing territory in more than one county; provided, that where appropriate, the board may select the officers of one county to perform such duties for the entire district.

CHAPTER 1637

An act to amend Section 20251 of the Education Code, relating to employees of orientation centers for the blind.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.] In effect September 7, 1955

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

SECTION 1. Section 20251 of the Education Code is amended to read:

20251. Other than for persons in the state civil service, the length of, and the time for, vacations of teachers, officers, and employees of state colleges, the schools for the deaf, the school for the blind, and orientation centers for the blind shall be prescribed by the Director of Education, except that the length of vacations for teachers at orientation centers for the blind shall not exceed 30 days.

CHAPTER 1638

An act to amend Sections 20750.1, 20750.2, 20750.3 and 20750.4 and to repeal Sections 20750.11, 20750.21, 20750.31 and 20750.41 of the Government Code, relating to the State Employees' Retirement System in respect to the State's contribution thereto.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.] In effect September 7, 1955

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 8.50 percent of the compensation paid state miscellaneous members. Miscellaneous members

SEC. 2. Section 20750.2 of said code is amended to read:

20750.2. The State's contribution to the Retirement Fund in respect to state patrol members is a sum equal to 27.68 percent of the compensation paid state patrol members. Patrol members

SEC. 3. Section 20750.3 of said code is amended to read:

20750.3. The State's contribution to the Retirement Fund in respect to forestry members is a sum equal to 7.24 percent of the compensation paid forestry members. Forestry members

SEC. 4. Section 20750.4 of said 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 14.43 percent of the compensation paid warden members. Warden members

Repeals

SEC. 5. Sections 20750.11, 20750.21, 20750.31 and 20750.41 of said code are repealed.

Operative date

SEC. 6. This act shall take effect on the first day of the first month next succeeding the ninetieth day after final adjournment of the 1955 Regular Session of the Legislature.

CHAPTER 1639

An act to amend Sections 72640, 72645, 72646, 72647, and 72649 of the Government Code, relating to the Office of Marshal of Municipal Courts, Los Angeles County.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 72640 of the Government Code is amended to read:

Los Angeles County Municipal Courts Marshal

72640. There shall be one marshal for all municipal courts established in judicial districts in Los Angeles County, who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 51 set forth in Section 72649.

SEC. 2. Section 72645 of said code is amended to read:

Marshal's appointees Salary

72645. The marshal shall appoint:

(a) One assistant marshal who shall receive the monthly compensation specified in Schedule 48, set forth in Section 72649.

(b) One chief deputy inspector who shall receive nine hundred dollars ($900) monthly.

(c) One chief deputy marshal who shall receive eight hundred dollars ($800) monthly.

SEC. 3. Section 72646 of said code is amended to read:

72646. The marshal shall appoint:

(a) Five inspectors, each of whom shall receive monthly compensation as provided in Schedule 44, set forth in Section 72649.

(b) Twelve captains, each of whom shall receive monthly compensation as provided in Schedule 42, set forth in Section 72649.

(c) Eleven lieutenants, each of whom shall receive monthly compensation as provided in Schedule 39, set forth in Section 72649.

(d) Seven sergeants, each of whom shall receive monthly compensation as provided in Schedule 37, set forth in Section 72649.

(e) Twenty-four sergeants, each of whom shall receive monthly compensation as provided in Schedule 36, set forth in Section 72649.

(f) One hundred seventy-five deputies, each of whom shall receive monthly compensation as provided in Schedule 34, set forth in Section 72649.

SEC. 4. Section 72647 of said code is amended to read:

72647. The marshal shall appoint:

(a) One intermediate stenographic secretary who shall receive monthly compensation as provided in Schedule 32, set forth in Section 72649.

(b) One stenographer-secretary who shall receive monthly compensation as provided in Schedule 30, set forth in Section 72649.

(c) One property clerk who shall receive monthly compensation as provided in Schedule 30, set forth in Section 72649.

(d) Twenty-nine deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 31, set forth in Section 72649.

(e) Fifty deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 28, set forth in Section 72649.

(f) Ten deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 26, set forth in Section 72649.

(g) Four administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 32, set forth in Section 72649.

(h) Such deputies who shall be custodians as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

(i) One business manager-auditor, who shall receive monthly compensation as provided in Schedule 41, set forth in Section 72649.

(j) One pay roll clerk who shall receive monthly compensation as provided in Schedule 29, set forth in Section 72649.

SEC. 5. Section 72649 of said code is amended to read:

72649. Except where this article otherwise provides, the provisions of law succeeding the Municipal and Justice Court Act of 1949 or this code shall govern the appointment and assignment of officers, deputies, and attaches to the offices and positions enumerated in this article, and shall define the rights, benefits, and privileges of the marshals, constables, deputies, and attaches of superseded courts, including the right of such persons to succeed to such offices and positions. All assistants, deputies, inspectors, and other employees of the Marshal of Municipal Courts, Los Angeles County, may be appointed, removed, suspended, or discharged for cause by the said marshal; subject in such appointment, removal, suspension, or discharge to all civil service provisions applicable to the personnel of the Office of Sheriff, Los Angeles County. Laws applicable

(a) The following schedules of compensation shall apply to the Office of the Marshal, Municipal Courts, Los Angeles Compensation schedule

County, and to any court service division created under this chapter:

Schedule Number	Step A	Step B	Step C
26	259	273	288
27	273	288	303
28	288	303	319
29	303	319	337
30	319	337	355
31	337	355	375
32	355	375	395
33	375	395	417
34	395	417	440
35	417	440	464
36	440	464	489
37	464	489	516
38	489	516	545
39	516	545	575
40	545	575	608
41	575	608	641
42	608	641	677
43	641	677	715
44	677	715	755
45	715	755	797
46	755	797	842
47	797	842	889
48	842	889	940
49	889	940	992
50	940	992	1,048
51	992	1,048	1,107
52	1,048	1,107	1,170

(b) Unless otherwise specifically provided, each person appointed to a position enumerated in this article shall, for the first six months of service, receive monthly the rate of compensation specified in step A of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months' continuous service in a class, such person shall receive monthly the rate of compensation specified in step B of the salary schedule for the position occupied. On and after the first day of the month following the first 12 months of such service at the rate specified in rate B, such person shall receive monthly the rate of compensation specified in step C of the salary schedule for the position occupied.

Promotion

(c) When any person in the service of the court or of the marshal is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that

step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

(d) On the effective date of this act, any person who has served in his office or position for at least 18 months shall receive step C of the schedule pertaining to such office or position; and any person who has so served in excess of six months shall receive step B thereof. All others shall receive step A, except that such persons shall be entitled to receive the second salary step of the schedule pertaining to the office or class of position they then hold, if the first step of such schedule is below the salary theretofore received; and shall be entitled to the third step at the completion of 12 months' service thereafter.

(e) When any person is demoted to another office or position he shall receive the third step rate of salary for the position to which he is demoted, except that if such demotion is due to disciplinary action, the appointing power may indicate any step rate of the lower position which provides compensation not higher than that last previously received by such person. Demotion

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CHAPTER 1640

An act to add Sections 4501 and 4503 to, to amend and renumber Sections 4501, 4502, and 4503 of, to amend and renumber the article heading of Article 5 of Chapter 1 of Division 7 of, to amend Sections 4530, 4532, 4533, 4534, 4640, 4641, 4643, 4648, 4651, and 5001 of, to repeal the article heading of Article 4 of Chapter 1 of Division 7 of, and to repeal Sections 4502.5, 4504, 4538, and 5000 of, the Elections Code, relating to activities of political committees.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 4501 is added to the Elections Code, to read:

4501. "Candidate" means any person who has filed a declaration of candidacy or who has accepted a declaration of candidacy filed by sponsors in his behalf, pursuant to Section 2621 of this code. "Candidate"

SEC. 2. Section 4503 is amended and renumbered to read:

4502. "Committee" means a committee or group of persons organized for the purpose, or charged with the duty of conducting the election campaign of any political party, or of any candidate or group of candidates. "Committee"

Every committee shall appoint a treasurer, who shall receive and disburse all moneys contributed for campaign purposes, and keep a true account thereof, and shall in the same manner and on the same type of forms as required of candidates, file

a campaign statement. The county clerk as defined in Section 18 upon request shall furnish such treasurer with the necessary forms for submitting the statement required of him by this section.

SEC. 3. Section 4503 is added to said code, to read:

Candidate acting as campaign treasurer

4503. A candidate may act as the campaign treasurer of his committee but may not act as treasurer for another candidate. When acting as a campaign treasurer, the candidate may sign the campaign statement of the committee.

SEC. 4. Section 4501 of said code is amended and renumbered to read:

"Campaign statement" Contents

4504. "Campaign statement" means an itemized statement, prepared in duplicate by a candidate for nomination or election, and by the treasurer of a committee, showing under each of the subdivisions of Section 4505:

(a) In detail all moneys paid, loaned, contributed, or otherwise furnished to the candidate or treasurer, or for use of the candidate or treasurer, directly or indirectly, in aid of the candidate's nomination or election.

(b) All money contributed, loaned, or expended by the candidate or treasurer, directly or indirectly by the candidate or treasurer or through any other person, in aid of the candidate's nomination or election.

(c) The names of all persons who paid, loaned, contributed, or otherwise furnished such moneys in aid of the candidate's nomination or election.

(d) The names of all persons to whom such moneys were contributed, loaned or paid.

(e) The specific nature of each item.

(f) The service performed and by whom any services were performed.

(g) The purpose for which the money was expended, contributed or loaned.

SEC. 5. Section 4502 is amended and renumbered to read:

Lawful expenses

4505. Lawful expenses are expenses for the following purposes only:

(a) For the preparing, printing, circulating, and verifying of nomination papers and for the candidate's official filing fee.

(b) For the candidate's and campaign personnel's personal traveling expenses.

(c) For rent, furnishing and maintaining headquarters, and halls and rooms for public meetings, including light, heat, and telephone.

(d) For payment of personnel:

1. Campaign manager or managers.
2. Advertising agency or agencies and publicity agent or agents.
3. Stenographers and clerks.
4. Precinct workers.
5. Speakers.
6. Entertainers.

(e) For the preparing, printing, and posting of billboards, signs and posters.

(f) For the preparing, printing, and distribution of literature by direct mail, including postage, throwaways, and handbills.

(g) For newspaper advertising.

(h) For radio and television advertising and speech time.

(i) For office supplies, precinct lists, postage other than that provided for in subdivision (f), expressage, and telegraphing relative to candidacy.

(j) For making canvasses of voters, and public opinion surveys.

(k) For conveying voters to and from the polls.

(*l*) For supervising the registration of voters.

(m) For watching the polling and counting of votes cast.

(n) For photographs, mats, cuts, art work, and displays.

(o) For petty cash items relative to candidacy.

SEC. 6. Section 4530 of said code is amended to read:

Verified statement required

4530. Every person who shall be a candidate, and the treasurer of each campaign committee, at a primary shall make and verify a campaign statement. The verification shall state that the candidate or treasurer has used all reasonable diligence in its preparation, and that it is true and is as full and explicit as he is able to make it.

SEC. 7. Section 4532 of said code is amended to read:

Time of filing

4532. All candidates for either nomination or election, and the treasurer of each campaign committee, shall file their campaign statements within 35 days after the election or primary.

SEC. 8. Section 4533 of said code is amended to read:

Place for filing Secretary of State

4533. Candidates for office to be filled by the voters of the State, or of any political division greater than a county, and for members of the Senate and Assembly, Representative in Congress, or members of the State Board of Equalization, or judges of the superior court, and treasurers of committees for such candidates, shall file one copy of their campaign statements in the Office of the Secretary of State.

Candidates for all other offices, and treasurers of committees for such candidates, shall file one copy of their campaign statements in the office of the clerk of the county wherein the election is held, and within which the duties of the office for which the candidate is voted for are to be exercised.

SEC. 9. Section 4534 of said code is amended to read:

County clerk

4534. Each candidate and treasurer of a campaign committee shall also file a copy of his campaign statement with the clerk of the county in which he resides.

SEC. 10. The article heading of Article 5 of Chapter 1 of Division 7 of said code is amended and renumbered to read:

Article 4. Presentment and Payment of Claims

SEC. 11. Section 4640 of said code is amended to read:

Time for presenting claims to committee

4640. Every claim payable by a committee on account of or in respect of any expense incurred in the conduct and management of an election held within this State, or on behalf of the candidates of the political party, organized assemblage, or body which the committee represents, shall be presented to the committee within 15 days after the election. If not so presented, the claim shall not be paid, and no action shall be commenced or maintained thereon.

SEC. 12 Section 4641 of said code is amended to read:

Payment by committee

4641. All expenses incurred by, and properly presented to, a committee shall be paid within 25 days after the election, and not otherwise.

SEC. 13. Section 4643 of said code is amended to read:

Payment by candidate

4643. All expenses incurred by, and properly presented to, a candidate shall be paid within 25 days after the day of election, and not otherwise.

SEC 14. Section 4648 of said code is amended to read:

Grounds for obtaining relief

4648. A person may obtain the relief specified in Section 4645 from the superior court if he shows by competent evidence that the failure to comply with this article was occasioned not by any want of good faith on the part of the applicant but by:

(a) The absence, illness or death of the candidate.

(b) The absence, illness or death of the treasurer of the campaign committee.

(c) The misconduct of any person other than the applicant.

(d) Inadvertence or excusable neglect.

(e) Any other reasonable cause.

SEC. 15. Section 4651 of said code is amended to read:

Filing after order

4651. After an order by a superior court allowing a claim to be paid, and after payment, the committee or candidate shall file in the same office as the original statement of the committee or candidate:

(a) An amended campaign statement in the same form and containing the same information, as supplemented, as the original campaign statement.

(b) A certificate of its allowance.

Repeals

SEC. 16. The article heading of Article 4 of Chapter 1 of Division 7 of said code is repealed.

SEC. 17. Sections 4502.5, 4504, 4538, and 5000 of said code are repealed.

SEC. 18. Section 5001 of said code is amended to read:

Penalty

5001. Every person is guilty of a misdemeanor who, with the intent to promote the election of himself or any other person furnishes or engages to pay or deliver any money or property for the purpose of either:

(a) Procuring the attendance of voters at the polls.

(b) Compensating any person for procuring attendance of voters at the polls, except for the conveyance of voters to or from the polls.

CHAPTER 1641

An act to amend Sections 2 and 6 of the Water Conservation Act of 1927, relating to water conservation districts.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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:

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

A. To have perpetual succession.

B. 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.

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

D. 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.

E. To make and perform any agreement with the United States, under the federal reclamation laws or otherwise, to the extent that it is not inconsistent with any state law applicable to the district, or with 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: Agreements with U. S.

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

(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; Rights, etc., to water

(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; Transfer of assets

(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; Acquisition of assets

(5) To acquire, store and distribute a surface water supply for purposes of irrigation, seasonal storage, or underground replenishment, or for any or all such purposes; Acquisition, etc., water

Construction, etc., of works

(6) To provide for the construction, operation or maintenance of such works, facilities or operations within or without the district boundaries as the board deems necessary to protect the land in or property of the district, from damage by flood or overflow, to replenish underground water, or to store, supply or distribute surface waters to lands within the district, and to contribute to the cost or expense thereof out of its general fund or any special fund provided therefor. Nothing contained in this act shall be deemed to empower a district organized hereunder to acquire a supply of water or any right to a supply of water from an underground source; provided, that this limitation shall not be applicable to any district, all or any portion of the water supply of which is secured from an underground source on October 1, 1953; except that such acquisition is authorized if acquired incidental to acquisition of land for other purposes of the district; provided, that the district shall be prohibited from exercising such rights so acquired.

Surveys and investigations

F. 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.

Eminent domain

G. 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.

Taxation

H. To cause taxes to be levied, as herein provided, for the purpose of paying any obligations of the district and to ac-

complish the purposes of this act in the manner herein provided.

I. 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. Contracts, etc

J. To fix and collect tolls or charges for water supplied for surface irrigation. Tolls and charges

K. To submit any contract or proposed contract to the superior court of the county in which is situated the office of the board to determine the validity thereof and the authority of the district to make the contract. The validation proceedings shall be had as in the ordinary case of the judicial determination of the validity of irrigation district bonds, and with like effect. Validity of contracts

L. To provide for, construct, maintain and operate such works and facilities, within or without its boundaries, as the board may deem necessary to protect the land in, or the property of, the district, from damage by flood or overflow, or to store, supply or distribute surface waters to lands within the district, and to pay the cost and expense thereof out of its general fund or any special fund provided therefor. Nothing contained in this act shall be deemed to empower a district organized hereunder to acquire a supply of water or any right to a supply of water from an underground source; provided, that this limitation shall not be applicable to any district, all or any portion of the water supply of which is secured from an underground source on October 1, 1953; except that such acquisition is authorized if acquired incidental to acquisition of land for other purposes of the district; provided, that the district shall be prohibited from exercising such rights so acquired. Works, etc

M. To establish rules and regulations regarding the sale of water, its distribution, and the collection of tolls and charges therefor, and to therein provide for payment in advance of delivery and for refusal of water delivery to persons against whom there are delinquent water tolls or charges. Nothing herein shall be construed as requiring the district to deliver water to any person or lands within the district, ratably or otherwise. Rules and regulations

SEC. 2. Section 6 of said act is amended to read:

Sec. 6. Election to Determine Proposed Organization. Election of Directors. Notice. Ballots. Candidates for Office of Director. Qualification of Electors. Conduct of Election. Said board of supervisors shall then call an election within the proposed district for the determination of the question whether such proposed district shall or shall not be organized, and also to elect the number of directors which Organization election

shall be prescribed pursuant to the next preceding paragraph of this act. Said board of supervisors shall divide said district, and the divisions thereof, into convenient precincts and fix a polling place in each precinct; provided, there shall be at least one precinct in each division of the district, where the district is divided into divisions. The board of supervisors shall appoint an inspector, a judge and two clerks for each of the precincts thus established to conduct said election. The inspector, judge and clerks of election in each precinct shall constitute the board of election for such precinct. The inspector shall be chairman of the election board, and may administer all oaths required in the progress of an election, and appoint judges and clerks, if, during the progress of the election, any judge or clerk ceases to act. Any member of the board of election may administer and certify oaths required to be administered during the progress of the election. If the board of election, or any member thereof, fails to appear at the opening of the polls on the morning of the election, the electors of the precinct present at that hour may appoint a board or supply the place of an absent member thereof. The election must be held within forty days from the date of the order calling the election.

Notice

Notice. Such election shall be called by publication of notice thereof in a daily or weekly paper in each of the counties in which the district is situate, if there be one, at least once a week for three weeks previous to such election, and by posting notice thereof in three public places in the proposed district. If the district is divided into divisions, notices of such election shall be posted in three public places in each division. Such notice shall designate a name for such proposed district, and describe the boundaries thereof and designate the respective election precincts and the polling place in each, and the election officers, and the time of the election, and the hours during which the polls will be kept open; provided, that the polls must be opened not later than 1 o'clock p.m. and kept open until 7 o'clock p.m.

Ballots

Ballots. Candidates for Office of Director. The board of supervisors shall require the clerk of said board to provide and furnish ballots for said election. No particular form of ballot shall be required except that the same shall contain the words "Water Conservation District—Yes" or "Water Conservation District—No," or words equivalent thereto, and shall also contain the names of candidates for the position of director of the district who shall have been endorsed by a petition to said board of supervisors containing the names of 10 or more electors of the district (or 50 percent of the qualified electors if the same is less than 10), petitioning that the names of candidates designated in the petition be placed upon the ballot to be voted on at such election; provided, that, when the district is divided into divisions, such nominating petitions for a director in any division must be signed by 10 or more electors entitled to vote in such division (or 50 percent of the

qualified electors if the same is less than 10); and provided, that, in any case, such petitions be filed with the board of supervisors calling said election within 15 days from the first publication of the notice calling said election. The ballots shall contain instructions that the voter shall write or print or stamp a cross after the words that indicate his choice, together with the number of votes he is entitled to cast therefor, as hereinafter provided, and that the voter shall vote for one or more persons to fill the office of director (designating the number), according to the divisions of the proposed district as prayed for in the petition and ordered by the board of supervisors, with the right to vote for each director to be elected the number of votes which the voter shall be entitled to cast as hereinafter provided. The ballots shall contain as many blank spaces for the names of directors as there are directors to be elected, and the writing of the name of any qualified person in any of said spaces shall be deemed to be a vote for such person according to the number of votes set opposite such name, not in excess of the number of votes which the voter shall be entitled to cast.

Electors

Qualification of Electors. No person shall be entitled to vote at any election held under the provisions of this act, unless he is the owner of land situate within the district. Each and every owner of land within the district shall be entitled to vote in person or by proxy, at any election held under the provisions of this act, and shall have the right to cast one vote for each acre of real estate owned by him in the district. An owner of land within the district comprising less than one acre shall be entitled to one vote. In calculating the number of acres owned by any voter any fraction of an acre in excess of the integral number owned by him shall be disregarded. Such ownership shall be determined from the next preceding assessment roll of the county or counties in which the lands of the district are situated, and the board of supervisors of each county in which any part of the district is located, prior to each election held under the provisions of this act, at the expense of the district holding such an election, shall cause to be prepared and certified and furnished to the board of election at each voting place a true and correct copy of the entries upon the next preceding assessment rolls of said counties, so far as such assessment rolls apply to any lands within said district, to the extent of showing the names of the owner and the number of acres assessed to each owner and which said certified entries from said rolls shall be used by the boards of election in determining the number of votes each voter is entitled to cast. In the event the district is divided into divisions, the copies of the entries upon said assessment rolls shall show the number of acres owned by each voter within each division. And, in such case, each voter shall be entitled to vote in each division the number of votes equal to the number of acres owned by him in such division.

Votes according to interests

Where land is owned by two or more persons, the votes shall be divided in accordance with the interests of each owner. Where land is assessed to unknown owners any person producing an affidavit of a searcher of records certifying the true ownership of such land at the date of the election, or at any time five days previous thereto, accompanied by an affidavit by the person certified to be the owner that he is the owner of the property at that time, said person so certified to be the owner shall be entitled to vote in like manner as if his name appeared upon the assessment rolls as above mentioned. Where corporations or partnerships appear as the owners of property, the votes of such owners shall be cast by any person holding a proxy from such corporation or firm. Executors, administrators, special administrators and guardians and trustees may cast the votes of the estates represented by them upon filing with the board of election a certified copy of their letters testamentary or of administration or guardianship or of appointment as trustee. No person shall vote by proxy at such election unless authority to cast such vote shall be evidenced by an instrument in writing duly acknowledged and certified in the same manner as grants of real property, and filed with the board of election.

Conduct of election

Conduct of Election. Said election shall be conducted in accordance with the general election laws of this State so far as applicable, and except as herein otherwise provided. The election officer in delivering to each voter his ballot shall ascertain and write upon the ballot the number of votes the holder of the ballot is entitled to cast, and in canvassing the returns shall see to it that the number of votes cast does not exceed the number of votes such voter was entitled to cast, but if there is an excess, the ballot shall not be disregarded or invalidated, but only the number which the voter was entitled to cast shall be counted. The election officers shall publicly count the votes immediately after close of the election, and make a report of the result of said election to the board of supervisors within five days subsequent to the holding thereof.

CHAPTER 1642

An act to amend Section 7081 of, and to add Sections 5058.2, 6362, 7082, and 7731.2 to, the Education Code, relating to school apportionments, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 5, 1955 Filed with Secretary of State July 7, 1955]

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

SECTION 1. Section 7081 of the Education Code is amended to read:

7081. Except as provided in Section 7082, the Superintendent of Public Instruction shall compute for each district described herein the amount, to be known as district aid, which a tax levied on each one hundred dollars ($100) of 100 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: Computation of district aid

(a) Sixty cents ($0.60) in an elementary school district.

(b) Forty-five cents ($0.45) in a high school district.

(c) Thirty cents ($0.30) in a junior college district.

SEC. 2. Section 7082 is added to said code, to read:

7082. (a) Upon request of the district, the Superintendent of Public Instruction shall use in computing district aid under Section 7081 the difference between the total assessed valuation of property in a district as shown on the equalized assessment roll for the preceding fiscal year and the assessed valuation of property as shown on the equalized assessment roll for the preceding fiscal year, in excess of 2 percent of such total assessed valuation, with respect to which revenues of the district taxes levied in the 1954-1955 Fiscal Year, or thereafter, have been impounded by the county auditor pursuant to Section 6362. Optional method of computation

(b) Whenever, after July 1, 1955, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of impounded tax revenues to the school district, the Superintendent of Public Instruction shall compute and certify to the Controller the amount to be deducted, and the Controller shall deduct, from the apportionment or apportionments from the State School Fund to the district, in the first fiscal year or the second fiscal year succeeding such notification of release, that amount apportioned to the district in any prior year or years by reason of the exclusion of assessed valuation with respect to tax revenues impounded and thereafter released. Release of impounded tax revenues

(c) If a request is received from a school district and the assessed valuation of the district is reduced pursuant to subdivision (a) hereof, Section 7192 shall not apply with respect to any tax revenues to which subdivision (a) applies.

SEC. 3. Section 6362 is added to said code, to read:

6362. The county auditor may impound the disputed revenues of school district taxes, upon secured or unsecured personal property, levied and collected in the 1954-1955 Fiscal Year, and thereafter, whenever, pursuant to Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code, a claim or action is filed for the return of such revenues or the taxes have been paid under protest on the ground that such personal property is exempt from taxation because title thereto is in the United States Government, or an agency thereof. The county auditor may continue to impound such revenues until the final disposition of such claim or action. If, under such final disposition, it is determined that such taxes were properly levied Impounding of disputed revenues

against such personal property, the auditor shall release such revenues to the school district, and he shall thereupon immediately notify, in writing, the Superintendent of Public Instruction and the State Controller of such release.

SEC. 4. Section 5058.2 is added to said code, to read:

Recomputation of annual repayment.

5058.2. (a) Upon request of the district, the Controller shall use in computing the "first computation" under Section 5054 the difference between the total assessed valuation of property in a district as shown on the equalized assessment roll for the current fiscal year and the assessed valuation of property as shown on the equalized assessment roll for the current fiscal year, in excess of 2 percent of such total assessed valuation, with respect to which revenues of the district taxes levied in the 1954-1955 Fiscal Year, or thereafter, have been impounded by the county auditor pursuant to Section 6362. If such a request is received prior to August 1, 1955, with respect to the impounding of revenues of taxes levied during the 1954-1955 Fiscal Year, the Controller shall recompute the annual repayment of the district due during the 1955-1956 Fiscal Year on the basis of such reduced assessed valuation, and, on or before September 1, 1955, notify the officers and board referred to in Section 5062 of such recomputed annual repayment for the 1955-1956 Fiscal Year, and of the recomputed amount to be deducted from the State School Fund apportionment to such district during the 1955-1956 Fiscal Year.

Adjustment

(b) Whenever, after July 1, 1955, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of impounded tax revenues to the school district, the Controller shall add to the annual repayment of the district, for the first fiscal year or second fiscal year next succeeding that in which such notification of release was made, that amount by which the annual repayment of the district for a previous fiscal year was reduced by reason of the exclusion of assessed valuation with respect to tax revenues impounded and thereafter released.

(c) The amount of annual repayment and deduction, increased or reduced as required by this section, shall be the amount deducted by the Controller for the purposes of Sections 5058, 5062, and 5063 for the fiscal year in which such increase or reduction occurs.

(d) If a request is received from a school district and an annual repayment reduced pursuant to subdivision (a) hereof, Section 5058.1 shall not apply with respect to any tax revenues to which subdivision (a) applies.

SEC. 5. Section 7731.2 is added to said code, to read:

7731.2. (a) Upon request of the district, the Controller shall use in computing the "first computation" under Section 7726 the difference between the total assessed valuation of property in a district as shown on the equalized assessment roll for the current fiscal year and the assessed valuation of property as shown on the equalized assessment roll for the current fiscal

year, in excess of 2 percent of such total assessed valuation, with respect to which revenues of the district taxes levied in the 1954-1955 Fiscal Year, or thereafter, have been impounded by the county auditor pursuant to Section 6362. If such a request is received prior to August 1, 1955, with respect to the impounding of revenues of taxes levied during the 1954-1955 Fiscal Year, the Controller shall recompute the annual repayment of the district due during the 1955-1956 Fiscal Year on the basis of such reduced assessed valuation, and, on or before September 1, 1955, notify the officers and board referred to in Section 7735 of such recomputed annual repayment for the 1955-1956 Fiscal Year, and of the recomputed amount to be deducted from the State School Fund apportionment to such district during the 1955-1956 Fiscal Year. Same:

(b) Whenever, after July 1, 1955, the county auditor notifies the Superintendent of Public Instruction and the Controller of the release of impounded tax revenues to the school district, the Controller shall add to the annual repayment of the district for the first fiscal year or second fiscal year next succeeding that in which such notification of release was made, that amount by which the annual repayment of the district for a previous fiscal year was reduced by reason of the exclusion of assessed valuation with respect to tax revenues impounded and thereafter released.

(c) The amount of annual repayment and deduction, increased or reduced as required by this section, shall be the amount deducted by the Controller for the purposes of Sections 7731, 7735, and 7736 for the fiscal year in which such increase or reduction occurs.

(d) If a request is received from a school district and an annual repayment reduced pursuant to subdivision (a) hereof, Section 7733.1 shall not apply with respect to any tax revenues to which subdivision (a) applies.

SEC. 6. 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 to become operative July 1, 1955. The facts constituting such necessity are: Urgency

The assessment of a substantial portion of the property in some school districts has been contested. As a result of this, the tax receipts from the contested assessments have been withheld from the districts. However, the total assessed valuation of the district has had to be used to compute the district's equalization aid. In order that the assessed valuation, upon which the districts actually received taxes, may be used in computing the district's equalization aid for the Fiscal Year 1955-56, it is necessary that this act take effect immediately

SEC. 7. This act shall become operative on July 1, 1955. Operative date

CHAPTER 1643

An act relating to the availability of funds previously appropriated and available for vending stands for the blind, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 21 of the Budget Act of 1954 shall not apply to that portion of the appropriation made by Item 84 of said act which is available for use in connection with eating facilities installed by the Bureau of Vocational Rehabilitation when hot foods are not prepared on the premises.

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:

Section 21 of the Budget Act of 1954 prevents the spending of money for the purchasing of equipment or supplies for the cafeteria type blind vending stand where hot meals are served, unless previously established. It is of the greatest importance that blind persons be provided with remunerative employment. Their economic opportunities must be enlarged and it is in the best interests of the State that the blind are stimulated to greater efforts in striving to make themselves self-supporting. Construction is now in progress on various cafeteria facilities for the blind which now appear to be within the restrictive provisions of Section 21 of the Budget Act of 1954. Unless such portion of the appropriation made by Item 84 of such act, which portion is available for use in connection with eating facilities installed by the Bureau of Vocational Rehabilitation, is released from the restriction of Section 21 of such act, moneys set aside for the completion of facilities now in the process of construction will be lost and such facilities will not be capable of being completed. Also, plans for the construction of other similar facilities in the near future will be greatly curtailed, if not completely nullified. The money for these facilities is urgently needed to effectuate the interests of the State in blind persons hereinbefore set forth. It is therefore necessary that this act go into effect immediately.

CHAPTER 1644

An act to amend the titles of Articles 7, 8, and 9 of Chapter 3 of Title 7 of the Government Code and Sections 65460, 65461, 65462, 65463, 65465, 65466, 65467, 65468, 65469, 65470, 65471, 65472, 65473, 65474, 65475, 65476, 65477, 65500, 65501, 65503, 65505, 65506, 65507, 65508, 65509, 65510, 65511, 65512, 65515, 65516, 65540, 65541, 65542, 65543, 65551, 65553, 65600, 65603, 65654, and 65711, and to repeal Section 65464 of, the Government Code, relating to conservation, planning, and zoning.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. The title to Article 7 of Chapter 3 of Title 7 of the Government Code is amended to read:

Article 7. Authority for and Scope of Master or General Plans

SEC. 2. Section 65460 of said code is amended to read:

65460. Each commission or planning department shall prepare and the commission shall adopt a comprehensive, long-term general plan for the physical development of the city, county, area, or region, and of any land outside its boundaries which in the commission's judgment bears relation to its planning. The plan may be referred to as the master or general plan and shall be officially certified as the master or general plan upon its adoption by the planning commission and the legislative body. Master plan

SEC. 3. Section 65461 of said code is amended to read:

65461. The master or general plan shall be so prepared that all or portions of it may be adopted by the legislative body as a basis for the development of the city, county, area, or region.

SEC. 4. Section 65462 of said code is amended to read:

65462. The master or general plan shall consist of a map and a statement describing it and a statement covering objectives, principles, and standards used to develop it; and shall include all of the following elements: Contents

(a) A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, recreation, education, public buildings and grounds, and other categories of public and private uses of land.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utility and facilities, all correlated with the land use element of the plan.

(c) A statement of the standards of population density and building intensity recommended for the various districts and other territorial units, and estimates of future population growth, in the territory covered by the plan, all correlated with the land use element of the plan.

(d) Supporting maps, diagrams, charts, descriptive material and reports.

SEC. 5. Section 65463 of said code is amended to read:

Conservation element

65463. A master or general plan may include a conservation element of the plan for the conservation, development, and utilization of natural resources, including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wild life, minerals, and other natural resources. The conservation element of the plan may also cover:

(a) The reclamation of land and waters.

(b) Flood control.

(c) Prevention and control of the pollution of streams and other waters.

(d) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.

(e) Prevention, control, and correction of the erosion of soils, beaches, and shores.

(f) Protection of watersheds.

SEC. 6. Section 65465 of said code is amended to read:

Recreation element

65465. A master or general plan may include a recreation element of the plan, showing a comprehensive system of areas and public sites for recreation, including the following and, when practicable, their locations and proposed development:

(a) Natural reservations.

(b) Parks.

(c) Parkways.

(d) Beaches.

(e) Playgrounds.

(f) Other recreation areas.

SEC. 7. Section 65466 of said code is amended to read:

Circulation element

65466. The circulation element of the master or general plan as set forth in subdivision (b) of Section 65462 may also include studies and recommendations concerning parking facilities and building setback lines and the delineations of such systems on the land; a system of street naming, house and building numbering; and such other matters as may be related to the improvement of circulation of traffic.

SEC. 8. Section 65467 of said code is amended to read:

Transportation element

65467. A master or general plan may include a transportation element of the plan, showing a comprehensive transportation system, including locations of rights of way, terminals, viaducts, and grade separations. This element of the plan may also include port, harbor, aviation, and related facilities.

SEC. 9. Section 65468 of said code is amended to read:

Transit element

65468. A master or general plan may include a transit element of the plan, showing a proposed system of transit lines,

including rapid transit, streetcar, motor coach and trolley coach lines, and related facilities.

SEC. 10. Section 65469 of said code is amended to read:

Public services and facilities element

65469. A master or general plan may include a public services and facilities element of the plan, showing general plans for sewerage, refuse disposal, drainage, and local utilities, and rights of way, easements, and facilities for them.

SEC. 11. Section 65470 of said code is amended to read:

Public buildings element

65470. A master or general plan may include a public buildings element of the plan, showing locations and arrangements of civic and community centers, public schools, libraries, police and fire stations, and all other public buildings, including their architecture and the landscape treatment of their grounds.

SEC. 12. Section 65471 of said code is amended to read:

Community design element

65471. A master or general plan may include a community design element of the plan, consisting of standards and principles governing the subdivision of land within the scope of the Subdivision Map Act, Chapter 2 of Part 2 of Division 4 of the Business and Professions Code, and showing recommended designs for community and neighborhood development and redevelopment, including sites for schools, parks, playgrounds and other uses.

SEC. 13. Section 65472 of said code is amended to read:

Housing element

65472. A master or general plan may include a housing element of the plan, consisting of a survey and reports upon housing conditions and needs, standards and plans for the elimination of substandard dwelling conditions, the improvement of housing and for provision of adequate sites for housing.

SEC. 14. Section 65473 of said code is amended to read:

Redevelopment element

65473. A master or general plan may include a redevelopment element of the plan comprising surveys, plans, procedure, and reports for the elimination of slums and blighted areas and for community redevelopment, including housing sites, business and industrial sites, public building sites, and for other purposes authorized by law.

SEC. 15. Section 65474 of said code is amended to read:

Additional elements and studies

65474. As a part of the master or general plan the commission may prepare, receive and adopt additional elements and studies dealing with other subjects which in its judgment relate to the physical development of the city, county, area or region.

SEC. 16. Section 65475 of said code is amended to read:

Coordination of plans

65475. During the formulation of a master or general plan, the planning commissions shall inform and, to such an extent as may be necessary, confer and cooperate with such school boards, departments, or agencies as may have jurisdiction over the territory or facilities for which plans are being made, to the end that maximum coordination of plans may be secured and properly located sites for all public purposes may be indicated on the master or general plan.

Certification

SEC. 17. Section 65476 of said code is amended to read:

65476. Whenever a city planning commission has adopted a master or general plan or any major section or unit covering any land outside the boundaries of the city, which in the judgment of the commission bears relation to its planning, such plan, section or unit shall be certified to the planning commission of every county or city, the land of which is included in said plan.

SEC. 18. Section 65477 of said code is amended to read:

65477. Whenever a county planning commission has adopted a master or general plan or any major section or unit covering any land adjoining or within a city such plan, section or unit shall be certified to the planning commission of such city or cities.

SEC. 19. The title to Article 8 of Chapter 3 of Title 7 of said code is amended to read:

Article 8. Procedure for Adoption of Master or General Plan

Coordination of master plans

SEC. 20. Section 65500 of said code is amended to read:

65500. The planning commission or the planning department may prepare and the commission may adopt all or any part of the master or general plan or any subject of it for all or any part of the city, county, area, or region. Master or general regional plans shall be coordinated with similar plans of adjoining regions, and area, county, and city master or general plans shall be coordinated so as to fit properly into the master or general plan for the region.

Hearings

SEC. 21. Section 65501 of said code is amended to read:

65501. Before adopting all or part of the master or general plan the commission shall hold at least two public hearings Before adopting any amendment to the master or general plan the commission shall hold at least one public hearing.

Resolution adopting plans

SEC. 22. Section 65503 of said code is amended to read:

65503. The adoption of the master or general plan, or of any amendment, extension, or addition to it, shall be by resolution of the commission carried by the affirmative votes of not less than two-thirds of its total voting members.

Amendments, extensions, etc

SEC. 23. Section 65505 of said code is amended to read:

65505. When changed conditions or further studies by the commission require, the commission may amend, extend, or add to all or part of the master or general plan in the manner provided in this article for its adoption.

Certification

SEC. 24. Section 65506 of said code is amended to read:

65506. A copy of any part, amendment, extension of, or addition to the master or general plan adopted by a county or city planning commission shall be certified to the legislative body of the city or county.

SEC. 25. Section 65507 of said code is amended to read:

65507. A copy of any part, amendment, extension of, or addition to, the master or general plan adopted by an area or regional planning commission shall be certified to each county

and city planning commission and to the legislative bodies of each county and city within the area or region.

SEC. 26. Section 65508 of said code is amended to read:

65508. The adoption of the master or general plan, or any amendment, extension or addition to it, as certified by a regional, an area, a county or city planning commission shall be by resolution of the legislative body or bodies affected. Adoption by resolution

SEC. 27. Section 65509 of said code is amended to read:

65509. Before adopting all or any part of, or amendment or addition to, a master or general plan, the county or city legislative body shall hold at least one public hearing. Notice of the time and place of the hearing shall be published at least once in a newspaper of general circulation in the city or county at least 10 days before the hearing. Hearing

SEC. 28. Section 65510 of said code is amended to read:

65510. In adopting all or any part of, or amendment or addition to, a master or general plan adopted by the planning commission, the legislative body shall not make any change or addition until the proposed change or addition has been referred to the planning commission for a report and a copy of the report has been filed with the legislative body. Failure of the planning commission to report within 40 days after the reference or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed change or addition. Planning commission report

SEC. 29. Section 65511 of said code is amended to read:

65511. When it deems it to be for the public interest, the legislative body may change or add to all or part of an adopted master or general plan Changes or additions

SEC. 30. Section 65512 of said code is amended to read:

65512. The legislative body shall first refer the proposed change or addition to the planning commission for a report. Before making a report, the planning commission shall hold at least one hearing on the proposed change or addition. It shall give notice of any such hearing, pursuant to the procedure prescribed by this article for the adoption of the master or general plan or any part, amendment, or addition by the planning commission. Planning commission report

SEC. 31. Section 65515 of said code is amended to read:

65515. The master or general plan or any part, amendment, or addition shall be endorsed to show that it has been adopted by the legislative body. Adoption

SEC. 32. Section 65516 of said code is amended to read:

65516. Any master or general plan of a county, or of any metropolitan or urban area of a county shall be certified to all city planning commissions and said plan or any portion thereof may be adopted as a part of the city master or general plan.

SEC. 33. The title to Article 9 of Chapter 3 of Title 7 of said code is amended to read:

Article 9. Administration of Master or General Plan

SEC. 34. Section 65540 of said code is amended to read:

Planning Commission recommendations

65540. After the county or city legislative body has adopted all or part of a master or general plan for the region, area, county, or city, or for any major section or district of it, the planning commission or the planning department shall investigate and make recommendations to the legislative body upon reasonable and practical means for putting into effect the master or general plan or part, in order that it will serve as a pattern and guide for the orderly physical growth and development of the region, area, county, or city and as a basis for the efficient expenditure of its funds relating to the subjects of the master or general plan. The measures recommended may include plans, regulations, financial reports, and capital budgets.

SEC. 35. Section 65541 of said code is amended to read:

Annual report

65541. After the adoption of all or part of the master or general plan, by the county or city or area planning commission, the commission shall render an annual report to the respective county or city legislative bodies concerned on the status of the plan and progress in its application.

SEC. 36. Section 65542 of said code is amended to read:

Public interest

65542. Each planning commission or planning department shall endeavor to promote public interest in and understanding of the master or general plan, and regulations relating to it.

SEC. 37. Section 65543 of said code is amended to read:

Consultations and advice

65543. Each planning commission or planning department shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally with relation to carrying out of the master or general plans.

SEC. 38. Section 65551 of said code is amended to read:

Planning commission report Condition precedent

65551. Whenever a county or city planning commission and a county or city legislative body has adopted a master or general plan for the city or county or for any major section or district of it, no street, square, park, or other public ground or open space shall be acquired by dedication or otherwise, no street shall be disposed of, closed, or abandoned, and no public building or structure shall be constructed or authorized in the area to which the master or general plan applies, until its location, purpose, and extent have been submitted to and reported upon by the planning commission having jurisdiction.

SEC. 39. Section 65553 of said code is amended to read:

65553. The planning commission shall report its findings to the legislative body or to such other governmental body, commission or board as to whether any such public improvement conforms to the adopted master or general plan.

SEC. 40. Section 65600 of said code is amended to read:

Precise plans

65600. From time to time, the planning commission or the planning department may, or if so directed by the legislative body shall, prepare precise plans based on the master or

general plan and drafts of such regulations, programs, and legislation as may in its judgment be required for the systematic execution of the master or general plan and the commission may recommend such plans and measures to the legislative body for adoption.

SEC. 41. Section 65603 of said code is amended to read:

Other measures

65603. The planning commission or the planning department may prepare and submit to the legislative body and the legislative body may adopt and designate as precise plans or regulations, or both, such other measures as may be required to insure the execution of the master or general plan.

SEC. 42. Section 65654 of said code is amended to read:

Adoption hearing

65654. Upon receipt of a copy of any proposed precise plan or regulation based upon a master or general plan or amendment of such plan or regulation the legislative body may by ordinance or resolution adopt the plan or regulation. Before adopting the proposed precise plan or regulation the legislative body shall hold at least one public hearing. Notice of the time and place of the hearing shall be published at least once in a newspaper of general circulation in the city or county at least 10 days before the hearing. Such plan or regulation, as adopted, shall be designated as a precise plan or regulation.

SEC. 43. Section 65711 of said code is amended to read:

Similar street names Change

65711. Whether a master or general plan or any portions of it have been adopted or not, whenever a county or city planning commission finds that there are two or more streets within the city or county having the same name or names so similar as to confuse the public, the commission may adopt a resolution of intention to adjust, alter, or change any of such street names so as best to serve the public convenience under the procedure provided in this article.

Repeal

SEC. 44. Section 65464 of said code is hereby repealed.

CHAPTER 1645

An act to amend Section 65853 of the Government Code, relating to zoning.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 65853 of the Government Code is amended to read:

65853. The board of zoning adjustment, or the zoning administrator and the board of zoning adjustment, in appropriate cases and subject to appropriate conditions and safeguards as provided by the zoning ordinance, or charter, if there be such, may hear and decide:

(a) Applications for conditional uses or other permits when the zoning ordinance provides therefor and establishes criteria for determining such matters.

(b) Applications for variances from the terms of the zoning ordinance when the following circumstances are found to apply:

(1) That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situate.

(2) That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

(c) Appeals, where it is alleged by the appellant that there is error in any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this chapter or any ordinance adopted pursuant to it.

CHAPTER 1646

An act to amend Section 65850 of the Government Code, relating to zoning.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 65850 of the Government Code is amended to read:

65850. The legislative body of a city or a county may, by ordinance, create either a board of zoning adjustment or the office of zoning administrator.

If so designated, and when so operating, acts and determinations of such board of zoning adjustment or such zoning administrator shall be directly reviewable by the legislative body, which may affirm, reverse or modify any such act or determination as it deems just and equitable. The procedure for such review shall be as provided by ordinance of the legislative body. After the act or determination has been so reviewed, it may be reviewed by competent courts.

CHAPTER 1647

An act to amend Section 2009 of the Welfare and Institutions Code, relating to aid to the aged.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 2009 of the Welfare and Institutions Code is amended to read:

2009. No person receiving aid under the provisions of this chapter shall be deemed a pauper by reason thereof. That portion of the old age security grant as determined by the rules of the State Social Welfare Board to be necessary to meet the recipient's need for food is intended to help him meet his individual needs and is not paid for the benefit of, or to be construed as income to, any other person. No warrant drawn in payment of the aid given under the provisions of this chapter shall contain any reference to indigency or pauperism.

CHAPTER 1648

An act to amend Section 1105 of the Insurance Code, relating to insurance companies.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1105 of the Insurance Code is amended to read:

1105. This article shall not prevent:

(a) The purchase by any person of any asset which the commissioner requires to be sold, at a price approved by the commissioner.

(b) The borrowing in accordance with its terms by any person upon a policy of life insurance upon his own life.

(c) The payment of a fee to any attorney for legal services rendered to any such insurer.

(d) The receipt of advances under agency contracts by agents of life insurers.

(e) Any admitted insurer's officers, directors, trustees or other persons who have authority in the management of the funds of such insurer from entering into any transaction with such insurer if:

(1) Such transaction is pursuant to a permit issued by the Insurance Commissioner under authority granted to him by other provisions of this code or is such as requires his approval prior to its consummation under other provisions of this code;

(2) The application for any such permit or the request for any such approval sets forth under oath the complete details concerning all such transactions with any such officers, directors, trustees or other persons; and

(3) Where the commissioner in his permit or approval specifically finds that the consummation of such transaction will not be unfair, unjust or inequitable to such insurer or to any of its stockholders or policyholders.

CHAPTER 1649

An act to amend Section 1037 of the Insurance Code, relating to proceedings in cases of insolvency and delinquency of insurers.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 1037 of the Insurance Code is amended to read:

Authority of commissioner as liquidator or conservator

1037. Upon taking possession of the property and business of any person in any proceeding under this article, the commissioner, exclusively and except as otherwise expressly provided by this article, either as conservator or liquidator:

(a) Shall have authority to collect all moneys due such person, and to do such other acts as are necessary or expedient to collect, conserve or protect its assets, property and business, and to carry on and conduct the business and affairs of any such person or so much thereof as to him may seem appropriate.

(b) Shall collect all debts due and claims belonging to said person, and shall have the authority to sell, compound, compromise or assign, for the purpose of collection upon such terms and conditions as he deems best, any bad or doubtful debts.

(c) Shall have authority to compound, compromise or in any other manner negotiate settlements of claims against such person upon such terms and conditions as he shall deem to be most advantageous to the estate of the person being administered or liquidated or otherwise dealt with under this article.

(d) Shall have authority without notice, to acquire, hypothecate, encumber, lease, improve, sell, transfer, abandon or otherwise dispose of or deal with, any real or personal property of any such person at its reasonable market value, or, in cases other than acquisition, sale or transfer on the basis of reasonable market value, upon such terms and conditions as he may deem proper; provided, however, that no transaction involving real or personal property shall be made where the market value of the property involved exceeds the sum of one thousand dollars ($1,000) without first obtaining permission

of said court, and then only in accordance with such terms as said court may prescribe.

(e) Shall have authority to transfer to a trustee or trustees, under a voting trust agreement, the stock of an insurer heretofore or hereafter issued to him as conservator or as liquidator in connection with a rehabilitation or reinsurance agreement, or any other proceeding under this article. Such voting trust agreement shall confer upon the trustee or trustees the right to vote or otherwise represent such stock, and shall not be irrevocable for a period of more than twenty-one (21) years.

(f) May, for the purpose of executing and performing any of the powers and authority conferred upon him under this article, in the name of the person affected by the proceeding or in his own name, prosecute and defend any and all suits and other legal proceedings, and execute, acknowledge and deliver any and all deeds, assignments, releases and other instruments necessary and proper to effectuate any sale of any real and personal property or other transaction in connection with the administration, liquidation, or other disposition of the assets of the person affected by such proceeding; and any deed or other instrument executed pursuant to the authority hereby given shall be valid and effectual for all purposes as though the same had been executed by the person affected by any proceeding under this article or by its officers pursuant to the direction of its governing board or authority. In cases where any real property sold by the commissioner under this article is located in a county other than the county wherein the proceeding is pending, the commissioner shall cause a certified copy of the order of his appointment, or order authorizing or ratifying the sale, to be filed in the office of the county recorder of the county in which said property is located.

(g) Shall have authority to invest and reinvest, in such manner as he may deem suitable for the best interests of the creditors of such person, such portions of the funds and assets of such person in his possession as do not exceed the amount of the reserves required by law to be maintained by such person as reserves for life insurance policies, annuity contracts, supplementary agreements incidental to life business and reserves for noncancellable disability policies, and which funds and assets are not immediately distributable to creditors; provided, however, that no such investment or reinvestment shall be made which exceeds the sum of one thousand dollars ($1,000) without first obtaining permission of said court, and then only in accordance with such terms as said court may prescribe.

The enumeration, in this article, of the duties, powers and authority of the commissioner in proceedings under this article shall not be construed as a limitation upon the commissioner, nor shall it exclude in any manner his right to perform and to do such other acts not herein specifically enumerated, or otherwise provided for, which he may deem necessary or expedient for the accomplishment or in aid of the purpose of such proceedings.

CHAPTER 1650

An act to amend Sections 5900 and 5931 of the Elections Code, relating to absent voting.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 5900 of the Elections Code is amended to read:

Person entitled to cast ballot

5900. Any voter who expects to be absent from his election precinct, or who will be unable to vote therein by reason of physical disability, or who will be unable to go to his polling place on election day by reason of the fact that the tenets of his religion require his attendance at church or religious services on that day or otherwise prevent him from attending the polls throughout that day, or a registered voter residing within a precinct which is owned or controlled by the United States on the day on which any election is held may cast a ballot upon complying with the provisions of this chapter.

SEC. 2. Section 5931 of said code is amended to read:

Voting away from residence

5931. At any time on or before the date of an election an absent voter, regardless of whether he is within or without the territorial limits of the United States, may mark his ballot and transmit it to the clerk by mail if:

(a) In the case of any election conducted by the county clerk he is absent from his election precinct, or

(b) In the case of any other election, he is absent from the city or district of his residence, or

(c) He is unable because of disability to go to his polling place, or

(d) He is unable to go to his polling place on election day by reason of the fact that the tenets of his religion require his attendance at church or religious services on that day or otherwise prevent him from attending the polls throughout that day.

After marking his ballot the absent voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope and mail it to the office of the clerk of the locality in which he resides.

Upon receipt of the envelope the clerk shall compare the signature thereon with the signature upon the original affidavit of registration and the place of residence as stated on the envelope with that in the affidavit of registration. If it appears that the signature on the envelope is that of the person who signed the original affidavit of registration and that the place of residence as shown thereon is in the same precinct as appears on the affidavit, he shall deposit the envelope in a safe place in his office to be kept by him and delivered to the proper canvassing board.

CHAPTER 1651

An act to amend Section 698 of the Vehicle Code, relating to equipment and load lengths of motor vehicles.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955]

In effect September 7, 1955

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

SECTION 1. Section 698 of the Vehicle Code is amended to read:

698. Length of Loads. (a) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the foremost part of the front tires of such vehicle or the front bumper of such vehicle if it is equipped with such a bumper.

This subdivision shall not apply to the booms or masts of shovels or cranes carried upon a motor vehicle; provided, however, that such booms or masts shall not extend more than two-thirds of the wheel base beyond the front tires of such vehicle; and provided further, that the projecting structure or attachments thereto shall be securely held in place to prevent dropping or swaying, and that no part of such structure which extends beyond the front tires shall be less than seven feet from the roadway, and that the driver's vision shall not be impaired by the projecting or supporting structure.

(b) In no event shall a front bumper on a motor vehicle be constructed or installed so as to project more than two feet forward of the foremost part of either the fenders or cab structure or radiator, whichever extends farthest toward the front of such vehicle.

(c) Any motor vehicle used for the purpose of taking photographs, motion pictures, or television pictures may be equipped with a dismountable platform or other device extending forward of either the fenders or cab structure or radiator, whichever extends farthest toward the front of such vehicle, for a distance not exceeding five feet while such vehicle is in use for such purpose.

(d) The load upon any motor vehicle alone or an independent load only upon a trailer or semitrailer shall not extend to the rear beyond the last point of support for a greater distance than that equal to two-thirds of the length of the wheel base of the vehicle carrying such load; provided, the wheel base of a semitrailer shall be considered as the distance between the rearmost axle of the towing vehicle and the rearmost axle of the semitrailer.

(e) The load upon any combination of vehicles, except loads of poles or pipes shall not exceed 75 feet measured from the front extremity of the front vehicle or load to the rear extremity of the last vehicle or load.

CHAPTER 1652

An act to amend Sections 445.1, 445.2 and 445.5 of the Vehicle Code, relating to regulation of automobile driving schools and driving instructors.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 445.1 of the Vehicle Code is amended to read:

Requirements for driving school operators and instructors

445.1. Requirements for Driving School Operators and Instructors. (a) Every person, in order to qualify to operate a driving school shall meet the following requirements:

1. Be of good moral character.

2. Maintain an established place of business open to the public. No office or place of business shall hereafter be established within 200 feet of any building used by the Department of Motor Vehicles as an office.

3. Maintain bodily injury and property damage liability insurance on motor vehicles while being used in driving instruction, insuring the liability of the driving school, the driving instructor and any person taking instruction in at least the following amounts: twenty thousand dollars ($20,000) for bodily injury to or death of one person in any one accident and, subject to said limit for one person, forty thousand dollars ($40,000) for bodily injury to or death of two or more persons in any one accident, and the amount of ten thousand dollars ($10,000) for damage to property of others in any one accident.

Evidence of such insurance coverage in the form of a certificate from the insurance carrier shall be filed with the Department of Motor Vehicles and such certificate shall stipulate that the insurance shall not be canceled except upon 10 days prior written notice to the department.

4. Have the equipment necessary to the giving of proper instruction in the operation of motor vehicles.

5. Pay to the department an application fee of fifty dollars ($50).

(b) Every person in order to qualify as an instructor for a driving school shall meet the following requirements:

1. Be of good moral character.

2. Pass such examination as the department shall require on (a) traffic laws; (b) safe driving practices; (c) operation of motor vehicles; (d) qualifications of teacher.

3. Be physically able to safely operate a motor vehicle and to train others in the operation of motor vehicles.

4. Hold a valid California operator's or chauffeur's license.

5 Pay to the department an application fee of ten dollars ($10).

SEC. 2. Section 445.2 of said code is amended to read:

445.2. Department to Issue Licenses. The Department of Motor Vehicles shall issue a license certificate to each applicant to conduct a driver school or to each driving instructor when it is satisfied that such person has met the qualifications required under this division. The license shall be for a period of four years unless canceled, suspended, or revoked by the department. The license may be renewed subject to the same conditions as the original license. Issuance of licenses

SEC. 3. Section 445.5 of said code is amended to read:

445.5. Hearings on Cancellation, Suspension or Revocation of License. Every licensee under this division is entitled to notice and hearing prior to cancellation, suspension or revocation of the license of such licensee by the department except that the department shall forthwith suspend such license without a hearing for failure of the licensee to meet and maintain the requirements of Section 445.1(a)3 or Section 445.1(b)4. Provisions of this code with reference to notice and hearings for operators and chauffeurs shall be applicable to hearings with reference to licensees under this division. Any action of the department in suspending, canceling, or revoking, or failing to renew a license may be reviewed by any court of competent jurisdiction. Hearing on cancellation, etc

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CHAPTER 1653

An act to add Sections 11003.1, 11003.2, 11003.3, and 11003.4 to, and to add Article 1.5, comprising Sections 10766 to 10770, inclusive, to Chapter 2 of Part 5 of Division 2 of, the Revenue and Taxation Code, to add Chapter 1.5, comprising Sections 173.1 to 173.6, inclusive, to Division 3 of the Vehicle Code, and to amend Sections 18100, 18101, 18250, and 18251 of the Health and Safety Code, all relating to the taxation of trailer coaches.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 11003.1 is added to the Revenue and Taxation Code, to read:

11003.1. On or after the first day of December and the first day of June of each fiscal year the Department of Motor Vehicles shall report to the auditor of each county the address at which each trailer coach is registered within the county on which license fees have been paid during the six-month period immediately preceding December 1st and June 1st, respectively, and the amount paid under this part on each trailer coach. Reports

At the time the department reports to the county auditors it shall report to the Controller the information described in

the preceding paragraph, or a summary thereof, for each of the counties.

SEC. 2. Section 11003.2 is added to said code, to read:

Report transmitted to county assessor

11003.2. Upon receiving the report from the Department of Motor Vehicles the county auditor shall transmit it to the county assessor. The assessor shall indicate on the report, or otherwise, the city, school district or code area in which each trailer is registered and return the report to the auditor.

SEC. 3. Section 11003.3 is added to said code, to read:

Disbursement of funds

11003.3. Upon receiving the report from the Department of Motor Vehicles the Controller shall forthwith disburse to the auditor of each county from the Motor Vehicle License Fee Fund all money shown by the report to have been collected under this part on trailer coaches registered in the county, after deducting therefrom the proportionate amount transferred from that fund pursuant to Section 11003.

SEC. 4. Section 11003.4 is added to said code, to read:

Distribution of funds

11003.4. As soon as the report is returned to the auditor he shall distribute the amounts received by him under Section 11003.3 in the same manner according to situs of the trailer coaches as is provided for the distribution of the proceeds of the tax on intangibles under Chapter 2 of Part 8 of Division 1 of this code.

SEC. 5. Article 1.5 is added to Chapter 2 of Part 5 of Division 2 of said code, to read:

Article 1.5. Trailer Coaches

'Trailer coach'

10766. For the purpose of this article, "trailer coach" shall have the same meaning that is provided in the Vehicle Code.

Applicability

10767. The provisions of this part shall apply to trailer coaches except as otherwise provided in this article.

10768. Sections 10853, 10854, 10855, and 10856 of this part do not apply to the license fee imposed with respect to trailer coaches.

Delinquency

10769. Whenever any trailer coach is in this State without the license fee having first been paid as required by Section 10851 of this part, the fee is delinquent.

Penalty

10770. If the fee is not paid within 30 days after it becomes delinquent, a penalty equal to one-half of the fee shall be added thereto and be collected therewith. If, however, the annual registration of a trailer coach is being renewed, the penalty shall be added to any payment made on or after February 5th.

SEC. 6. Chapter 1.5 is added to Division 3 of the Vehicle Code, to read:

CHAPTER 1.5. REGISTRATION OF TRAILER COACHES

Applicability

173.1. Application of Division to Chapter. The provisions of this division shall apply to trailer coaches except as otherwise provided in this chapter.

173.2. Sections Not Applicable. Sections 151.1, 164.5, and 378(a)(1) hereof do not apply to the registration or renewal of registration of any trailer coach.

Registration

173.3. Registration of Trailer Coaches. Subject to the exemptions stated in Section 173.4 hereof, registration of any trailer coach in this State is required annually.

Exemptions

173.4. Exemption from Registration. The registration provisions of this chapter shall not apply to any of the following:

(a) Any trailer coach which is driven or moved upon a highway in conformance with the provisions of this code relating to dealers, manufacturers, transporters, or nonresidents or under a temporary permit issued by the department as authorized by Section 147 hereof.

(b) Any unoccupied trailer coach which is part of an inventory of trailer coaches held for sale by a manufacturer or dealer in the course of his business.

Nonresident owners

173.5. Nonresident Owner Exemption. The registration of a foreign trailer coach owned by a nonresident shall be subject to and governed by subdivisions (a) and (b) of Section 210 hereof, except that any trailer coach shall not be exempt from registration after the expiration of the valid home state license plate on the trailer coach at the time the trailer coach last entered this State.

When fee delinquent

173.6. When Fee Is Delinquent. Whenever any trailer coach is in this State without the registration fee having first been paid as required by this code, the fee is delinquent.

SEC. 7. Section 18100 of the Health and Safety Code is amended to read:

18100. It shall be unlawful for any person in a trailer park to use or cause or permit to be used:

Illegal use

(a) Any trailer coach on which the running gear is not maintained in a mobile condition, except for the purpose of making repairs.

(b) Any trailer coach to which are attached any rigid water, gas or sewer pipes; provided, however, that approved metal tubing may be used for water and gas.

(c) Any trailer coach which is supported with underpinning or foundation; provided, however, that not more than two (2) rows of cement blocks or other approved stabilizing devices may be used when spaced at average intervals of not less than seven feet (7'0") apart longitudinally.

(d) Any trailer coach which does not conform to the requirements of the California State Motor Vehicle Code governing the use of trailers on public highways.

(e) Any trailer coach in an insanitary condition or which is structurally unsound or does not protect its habitants against the elements.

(f) Any trailer coach the area beneath which is enclosed; provided, however, that enclosures that are openable for inspection and which will not unreasonably impede the movement of the trailer coach are permissible.

(g) Any awning, ramada, or portable, demountable, or permanent cabana or a building, carport, or windbreak, unless constructed and maintained in conformity with the rules and regulations of the Division of Housing. The division may adopt, amend, or repeal, in accordance with the provisions of Chapter 4 of Part 1 of Division 3 of Title 2 of the Government Code, reasonably necessary rules and regulations governing the construction, maintenance, and use of awnings, ramadas, cabanas, buildings, carports, and windbreaks in a substantial and workmanlike manner and in accordance with recognized standards for such types of structures within trailer parks which are consistent with the health and safety of the occupants therein. Such rules shall be reasonably consistent with the construction requirements of Part 2.1 of this division.

SEC. 8. Section 18101 of said code is amended to read:

Rules and regulations

18101. The rules and regulations authorized by subdivision (g) of Section 18100 of this part shall apply to all parts of the State except within cities or counties that have enacted and are enforcing local ordinances regulating the type of structures mentioned in subdivision (g) of Section 18100 and such ordinances prescribe minimum standards equal to or greater than the provisions of such rules and regulations. In the event of nonenforcement of such ordinances such rules and regulations shall be applicable in such city or county after the Division of Housing has given written notice to the governing body of any violation of any provision of such rules and regulations and the city or county has failed to secure correction of the violation within thirty (30) days after the date of such notice.

Any city or county may enact an ordinance to prohibit the construction, use, or occupancy of any structure authorized by subdivision (g) of Section 18100.

SEC. 9. Section 18250 of said code is amended to read:

Illegal use for occupancy

18250. It shall be unlawful for any person in an auto and trailer park to use or cause, or permit to be used for occupancy:

(a) Any trailer coach from which any tire or wheel has been removed therefrom, except for the purpose of making temporary repairs or placing it in dead storage.

(b) Any trailer coach to which are attached any rigid water, gas or sewer pipes; provided, however, that metal tubing not to exceed one-half inch inside diameter may be used for water and gas.

(c) Any trailer coach which is permanently attached with underpinning or foundation to the ground.

(d) Any trailer coach which does not conform to the requirements of the California State Vehicle Code governing the use of trailers on public highways.

(e) Any trailer coach in an insanitary condition.

(f) Any trailer coach which is structurally unsound and does not protect its habitants against the elements.

(g) Any trailer coach to which there is attached or established less than six feet adjacent thereto any awning, portable, demountable, or permanent cabana, building or windbreak, unless constructed in conformity with the rules and regulations of the Division of Housing as set forth in rules and regulations of the said division for such use, and the said division is hereby empowered to draft and enforce such rules and regulations. Such rules and regulations shall provide for the construction of awnings, cabanas, buildings, and windbreaks in a substantial and workmanlike manner and in accordance with recognized standards for such types of structures within auto and trailer parks which are consistent with the health and safety of the occupants therein and reasonably consistent with the construction standards contained in this part. The provisions of Section 18276 of this code shall not apply to any awning, cabana, building or windbreak regulated by this subdivision.

SEC. 10. Section 18251 of said code is amended to read:

18251. Any city, county, or city and county may enact an ordinance to prohibit the use or occupancy of trailer coaches of the type described in subdivision (g) of Section 18250 or to provide that the provisions of subdivision (g) of Section 18250 shall not apply therein, and that, in lieu thereof, the regulations adopted and enforced by the city, county, or city and county shall apply; provided, such regulations prescribe minimum standards equal to or greater than those prescribed by the Division of Housing. If an ordinance is enacted and such regulations are adopted, the provisions of subdivision (g) of Section 18250 shall not apply within the city, county, or city and county, but the ordinance and regulations shall apply therein. The provisions of Section 18276 of this code shall not be construed as a limitation upon this section.

City, county, etc., ordinances

SEC. 11. Sections 7 and 8 of this act become operative only if Assembly Bill No. 66 is enacted by the Legislature at its 1955 Regular Session, and in such case at the same time as Assembly Bill No. 66 takes effect, at which time Sections 18250 and 18251 of the Health and Safety Code, as amended by Sections 9 and 10 of this act, are repealed.

Effect Assembly Bill No. 66 not enacted

CHAPTER 1654

An act to amend Section 18234 of the Education Code, relating to school buildings.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 18234 of the Education Code is amended to read:

18234. No member of the governing board of the district shall be held personally liable for injury to person or damage to property by reason of the use of any building.

CHAPTER 1655

An act to amend Section 305 of the Vehicle Code, relating to revocation of driving privileges of juvenile offenders.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 305 of the Vehicle Code is amended to read:

305. Revoking Driving Privilege of Juvenile Offenders. (a) The department shall revoke the driving privilege of any person who has been found by a judge of the juvenile court to have committed any of the following offenses:

(1) Manslaughter arising from the operation of a motor vehicle.

(2) Operating a vehicle while a habitual user of narcotic drugs or while under the influence of intoxicating liquor or narcotic drugs.

(3) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 480 hereof.

(4) A violation of any provision of this code punishable as a felony or of the provisions of the Penal Code relating to the grand theft of a motor vehicle, or a felony in the commission of which a motor vehicle was used.

(5) Three or more offenses of violating Sections 481, 483 or 505 within a period of 12 months from the time of the first offense, or upon a combination of three or more of any such offenses within a like period.

(b) Each judge of a juvenile court shall immediately report such findings to the department.

(c) Upon the recommendation of the judge of a juvenile court the department shall also revoke or suspend the driving privilege of any person who has been found to have committed any of the following offenses:

(1) Reckless driving.

(2) Failure to stop in the event of an accident as provided for in Section 481 or Section 483.

(3) Two or more offenses within a period of six months of violating the provisions of this code limiting the speed of vehicles.

(d) Every such revocation or suspension shall begin to run from the date the license is surrendered to the judge or, if for any reason the license is not surrendered to the judge at the time of the findings, the revocation or suspension shall run from the date notice of the action by the department is served in accordance with Section 10 of this code.

CHAPTER 1656

An act to add Section 13203.1 to the Education Code, relating to travel expenses of teachers of vocational agriculture.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.] In effect September 7, 1955

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

SECTION 1. Section 13203.1 is added to the Education Code, to read:

13203.1. The governing board of any school district may provide for the payment of the actual and necessary traveling expenses of student teachers of vocational agriculture who hold certificates issued pursuant to Section 12202 when performing the duties of their positions.

All payments heretofore made to student teachers of vocational agriculture on account of actual and necessary traveling expenses incurred by them when performing the duties of their respective positions are hereby confirmed, ratified, and validated.

CHAPTER 1657

An act to add Section 31034 to the Water Code, relating to county water districts.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.] In effect September 7, 1955

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

SECTION 1. Section 31034 is added to the Water Code, to read:

31034. If a public utility subject to the control and regulation of the Public Utilities Commission petitions the Public Utilities Commission to extend its water service or to establish water service within a district or any area served by a district, prior to acting on the petition the Public Utilities Commission shall notify the district of such petition where the district has previously filed with the Public Utilities Commission a request to be notified of such petitions which request contains a description of the boundaries of the district and any area outside of the district boundaries which is served by the district.

CHAPTER 1658

An act to amend Section 11681 of the Health and Safety Code, relating to the disposition of fines collected for violations of Division 10 of said code, relating to narcotics.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 11681 of the Health and Safety Code is amended to read:

11681. All moneys, forfeited bail, or fines received by any court under this division shall as soon as practicable after the receipt thereof be deposited with the county treasurer of the county in which such court is situated. Amounts so deposited shall be paid at least once a month as follows: 75 percent to the State Treasurer by warrant of the county auditor drawn upon the requisition of the clerk or judge of said court to be deposited in the State Treasury on order of the State Controller; and 25 percent to the city treasurer of the city, if the offense occurred in a city, otherwise to the treasurer of the county in which the prosecution is conducted.

Any money deposited in the State Treasury under the provisions of this section which is determined by the State Controller to have been erroneously deposited therein shall be refunded by him, subject to approval of the State Board of Control prior to the payment of such refund, out of any money in the State Treasury which is available by law for such purpose.

CHAPTER 1659

An act to add Section 184.2 to the Education Code, relating to donations, bequests, and devises to the Department of Education and to schools, colleges, and institutions under its jurisdiction.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 184.2 is added to the Education Code, to read:

184.2. Notwithstanding any other provision of law, the president of a state college may, without the approval of the Director of Finance, accept gifts of money impressed with a condition that the same shall be used as a student loan fund for, or that the same shall be used to provide scholarships for,

students attending courses offered by the college. The president shall cause such moneys to be deposited in a trust account in accordance with the provisions of Government Code Sections 16305-16305.7. He may expend, loan, or otherwise administer such moneys in accordance with the terms of the gifts.

CHAPTER 1660

An act to amend Sections 620.5, 645, 647, 648, 649, 650.5, 652, 654, 656, 657, 660, 663 and 665 of the Vehicle Code, relating to lighting equipment on vehicles, and declaring the urgency thereof.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect immediately

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

SECTION 1. Section 620.5 of the Vehicle Code is amended to read:

620.5. Lighting Equipment on Motor-driven Cycles. The headlamp or headlamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event when the vehicle is operated at the times mentioned in Section 618 the headlamp or headlamps shall comply with the requirements and limitations as follows:

Motor-driven cycles Lighting equipment

(1) Every said headlamp or headlamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet when the motor-driven cycle is operated at any speed less than 25 miles per hour and at a distance of not less than 200 feet when the motor-driven cycle is operated at a speed of 25 or more miles per hour, and any such motor-driven cycle shall be subject to the speed limitations in Section 515.1.

(2) In the event the motor-driven cycle is equipped with a multiple-beam headlamp or headlamps the upper beam shall meet the minimum requirements set forth above and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in Section 648(b).

(3) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high intensity portion of light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes.

SEC. 2. Section 645 of said code is amended to read:

645. What Lamps and Devices Must Be Tested and Approved Before Sale or Use. No person shall sell or offer for sale for use upon or as part of the equipment of a motor vehicle, trailer or semitrailer, nor shall any person use upon any such vehicle any lamp or device referred to in this section

Testing and approval of lights, etc

unless of a type which has been submitted to and approved by the department. No person shall sell or offer for sale for use upon or as part of the equipment of any vehicle, nor shall any person use upon any vehicle any device which is intended to modify the original design or performance of any lamp or device referred to in this section unless of a type which has been submitted to and approved by the department, or unless such modification has been approved by the department.

This section shall apply to every headlamp, auxiliary driving, passing, or fog lamp, every rear or tail lamp, license plate lamp, clearance lamp, signal lamp or signal device, and any equipment regulating the light emitted from any such lamps or the light sources therein, also to reflectors, including red reflectors for use on bicycles, and reflectors used for required warning devices, and any other device required to be approved by the department except any rear or tail lamp or stop lamp in use on or prior to December 1, 1935.

No person shall sell or offer for sale for use upon any motor vehicle any special lamp or lighting device required for use in dim-out areas or during air raid alarms unless of a type which has been submitted to and approved by the department.

Every lamp, reflector, or other device referred to in this division and requiring approval shall comply with the engineering requirements and specifications, including mounting and aiming instructions, determined and publicized by the department.

SEC. 3. Section 647 of said code is amended to read:

Authority of department

647. Authority of Department With Reference to Lighting Devices. (a) The department shall approve or disapprove lighting devices and shall issue and enforce regulations establishing standards and specifications for the approval of lighting devices, their installation, original adjustment and aiming, and adjustment when in use on vehicles, in accordance with the provisions of this code. Such regulations as pertain to multiple-beam road lighting equipment shall correlate with and, so far as practicable, conform to the then current nationally recognized standards and specifications applicable to such equipment.

(b) In the event any lighting device in actual use meets the requirements of this code or a department regulation adopted pursuant to this code, a subsequent regulation shall not require the replacement of said device and shall be applicable only to devices installed after the effective date of such regulation.

(c) The department shall make or cause to be made such scientific laboratory test of every lamp or device submitted for approval as the department determines is appropriate or as may be required herein to determine whether or not the same will conform to the requirements of this code or department regulation adopted pursuant to this code, and may expend such sums as may be necessary for this purpose from funds appropriated for the support of the department. The department shall report its approval or disapproval of the same

within 60 days after submission of such lamp or device for approval accompanied by the proper fee.

(d) The department may reconsider any disapproval within 60 days thereafter without receiving a new application and without further fee. Whenever the department disapproves a lamp or device, and the same is submitted for a partial retest within 90 days thereafter, a fee of one-half the original fee shall be charged for such retest.

SEC. 4. Section 648 of said code is amended to read:

Multiple beam equipment

648. Multiple-beam Road Lighting Equipment. Except as hereinafter provided, the headlamps, or the auxiliary driving lamps, or combinations thereof, on motor vehicles at the times mentioned in Section 618 shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following requirements and limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.

(b) There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal a person or vehicle at a distance of at least 100 feet ahead. On a straight level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(c) Every new motor vehicle registered in this State after January 1, 1940, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

SEC. 5. Section 649 of said code is amended to read:

Use

649. Use of Multiple-beam Road-lighting Equipment. (a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 618, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations.

(b) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

The lowermost distribution of light specified in Section 648, paragraph (b) shall be deemed to avoid glare at all times regardless of road contour and loading.

(c) Whenever the driver of a vehicle follows another vehicle within 200 feet to the rear, such driver shall use a distribution of light permissible under this code other than the uppermost distribution of light specified in paragraph (a) of Section 648.

SEC. 6. Section 650 5 of said code is amended to read:

Number of driving lamps

650.5. Number of Driving Lamps Required or Permitted. (a) At all times specified in Section 618, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than motorcycles or motor-driven cycles except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary driving, passing, or fog lamps, any spot lamps or any other lamp on the front thereof projecting a beam of an intensity greater than 300 candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway, except that not to exceed six such lamps on the front of an authorized emergency vehicle may be lighted at any one time.

SEC. 7. Section 652 of said code is amended to read:

Grounds for disapproval

652. Grounds for Disapproval. The department shall disapprove any such lamp, lamps, device, lamp equipment or red reflector if it determines:

(a) That any of the same will not conform to the requirements of this code or any department regulation adopted pursuant to this code.

(b) That any lamp or lamps will not meet the laboratory specifications declared herein.

(c) That any lamp equipment is impractical, inefficient or does not enable the lamp to conform to the requirements hereof or detracts from the performance of such lamp even though the resultant performance might be within the maximum and minimum candlepower laboratory specifications declared herein.

(d) That any of the same are not so constructed as to be safe or practical in actual use, even though the same may meet the laboratory specifications or other tests declared herein.

(e) That any of the same are impractical as to mechanical construction or for mounting on a motor vehicle, even though the same may meet the laboratory specifications or other tests declared herein.

(f) That the manufacturer of any of the same makes a common practice of using misleading statements in advertising the effect or results obtained therefrom, even though the same may meet the laboratory specifications or other tests declared herein.

SEC. 8. Section 654 of said code is amended to read:

Certificate of approval and instructions

654. Issuance and Delivery of Certificate of Approval and Instructions. (a) The department, upon approving any such

lamp or device, shall issue to the applicant a certificate of approval together with any instructions included in or accompanying its report approving the same.

(b) Upon request of any police department, the department shall forward a copy of any such certificate of approval together with any said instructions to such police department.

(c) The department shall publish lists of all lamps and devices by name and type which have been approved by the department.

SEC. 9. Section 656 of said code is amended to read:

Revocation

656. Revocation of Certificate of Approval. Whenever the department receives information that any lamp or device of a type sold commercially and which has been approved by the department does not under ordinary conditions of use comply with the requirements of this code and department regulations adopted pursuant to this code the department in its discretion may upon 30 days' notice to the manufacturer thereof require that such lamp or device be retested by the department. For such retest the department may purchase in the open market one or more units of such approved lamp or device. In the event such lamp or device upon such retest fails to meet the requirements of this code and department regulations adopted pursuant to this code, the department shall have authority to suspend or revoke the certificate of approval previously issued therefor. No fee shall be charged for any such retest; however, the department may pay from the funds appropriated for maintenance of the department such sums as may be necessary to carry out the provisions of this section.

When an approved device is no longer manufactured for commercial sale, the department may revoke such prior approval, but such revocation shall not prevent the use of any such device sold during the time it was approved.

The department may, however, at its discretion revoke approval of any device other than any device or equipment which is part of the original equipment of a vehicle if it is found unsafe, impractical, or objectionable in actual use or is defective for any of the reasons for which an original approval may be denied under Section 652.

SEC. 10. Section 657 of said code is amended to read:

Purchasing and testing of lamps, etc

657. Department Authorized to Purchase and Test Lamps and Signal Devices Subject to Approval. The department is hereby authorized to purchase any lamps or signal devices sold for use on motor vehicles or any lamps or devices of a type for which the approval of the department is required under this code and to test the same as to conformance with the requirements of this code and department regulations adopted pursuant to this code, and any expense incurred in such purchase and test shall be a legal charge against the Motor Vehicle Support Fund.

SEC. 11. Section 660 of said code is amended to read:

Light and brake adjustments

660. Light and Brake Adjustments on Sale of New or Used Vehicles. No dealer shall sell a new or used motor vehicle

without first testing and if necessary adjusting the lights and brakes on such vehicle to conform with the provisions of this code and department regulations adopted pursuant to this code unless such vehicle is sold for the purpose of being wrecked or dismantled.

SEC. 12. Section 663 of said code is amended to read:

Inspection by patrolmen

663. Members of Highway Patrol May Inspect Lamps. Any member of the California Highway Patrol having reasonable grounds to believe that any headlamp or auxiliary driving or fog lamp or any device subject to approval upon a vehicle fails to comply with the requirements of this code and department regulations adopted pursuant to this code may require the driver of such vehicle to stop and submit such lamp or device to an inspection or test. In the event any such lamp or device is not of a type which has been approved by the department, the officer making such inspection shall require the driver of such vehicle to remove such illegal lamp or device within 24 hours and may arrest such driver and give him a notice to appear and may further require such driver or the owner of the vehicle to produce in court satisfactory evidence of the removal of such illegal lamp or device.

In the event any headlamp or auxiliary driving or fog lamp or device of a type which has been approved by the department by reason of faulty adjustment or otherwise fails to comply with this code and department regulations adopted pursuant to this code, the officer making the inspection shall direct the driver to make such lamp, lamps, or devices conform to the requirements of this code and such department regulations within 48 hours. Such officer may also arrest such driver and give him a notice to appear and further require said driver or the owner of the vehicle to produce in court satisfactory evidence that such lamp, lamps, or devices have been made to conform with the requirements of this code and such department regulations.

SEC. 13. Section 665 of said code is amended to read:

Official testing stations

665. Official Lamp and Brake Testing Stations. (a) The department may designate, furnish instructions to and supervise official stations for adjusting headlamps, auxiliary driving, fog lamps or other required lamps or brakes upon vehicles to conform with the provisions of this code and department regulations adopted pursuant to this code. The department may prescribe the qualifications of any such station as a condition of such designation and further may suspend or revoke any such designation upon determining that the business of such station is improperly conducted.

(b) Whenever any such station upon an inspection or after an adjustment, made in conformity with the instructions of the department, determines that the headlamps, auxiliary driving, fog lamps or other required lamps or the brakes upon any vehicle conform with the requirements of this code and department regulations adopted pursuant to this code, said station shall issue to the owner or operator of such vehicle a certificate

of adjustment on a form prescribed by the department which certificate shall contain the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle and the official designation of said station.

SEC. 14. 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

In the interests of public safety it is essential that vehicles traveling on the highways of this State be equipped with the best possible lighting. This act will make it possible for the California Highway Patrol to test and approve for use on such vehicles a new type headlight and other lighting devices representing the latest technological advances in the automotive industry. Since these headlamps will be made available by the manufacturer to the public on July 1, 1955, it is essential that the California Highway Patrol be given authority as soon as possible to make tests and adopt rules and regulations regulating their use so that they may be obtained at the earliest possible time. Furthermore, unless this act takes effect immediately, vehicles from other states which have already authorized the use of the new headlamps and other lighting devices may not legally be operated in this State if equipped with such headlamps or devices until 90 days after the present legislative session and whatever additional time will be necessary for the California Highway Patrol to test and approve them for use in this State; confusion will result in the minds of the public as to the propriety of using the headlamps and devices in question; and the distribution of such headlamps and devices will be seriously impaired.

CHAPTER 1661

An act to amend Section 11517 of the Government Code, relating to administrative adjudications by state agencies.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.] In effect September 7, 1955

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

SECTION 1. Section 11517 of the Government Code is amended to read:

11517. (a) If a contested case is heard before an agency itself the hearing officer who presided at the hearing shall be present during the consideration of the case and, if requested, shall assist and advise the agency. Where a contested case is heard before an agency itself, no member thereof who did not hear the evidence shall vote on the decision.

(b) If a contested case is heard by a hearing officer alone, he shall prepare a proposed decision in such form that it may be adopted as the decision in the case. A copy of the proposed decision shall be filed by the agency as a public record and a copy of the proposed decision shall be served by the agency on each party in the case and his attorney. The agency itself may adopt the proposed decision in its entirety, or may reduce the proposed penalty and adopt the balance of the proposed decision.

(c) If the proposed decision is not adopted as provided in subdivision (b), the agency itself may decide the case upon the record, including the transcript, with or without taking additional evidence, or may refer the case to the same or another hearing officer to take additional evidence. If the case is so assigned to a hearing officer he shall prepare a proposed decision as provided in subdivision (b) upon the additional evidence and the transcript and other papers which are part of the record of the prior hearing. A copy of such proposed decision shall be furnished to each party and his attorney as prescribed by subdivision (b). The agency itself shall decide no case provided for in this subdivision without affording the parties the opportunity to present either oral or written argument before the agency itself. If additional oral evidence is introduced before the agency itself no agency member may vote unless he heard the additional oral evidence.

CHAPTER 1662

An act to add Sections 14192 and 14193 to the Public Utilities Code, relating to municipal utility districts.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 14192 is added to the Public Utilities Code, to read:

14192. In connection with the annexation of territory the board may require that an election be held to authorize the issuance of bonds to raise money for the purpose of construction of water facilities and for the benefit of the territory proposed to be annexed, and the election therefor shall be held in the same manner as any general district election for such purpose, except that only qualified voters resident within the annexed territory are entitled to vote in the proceedings. In the event any such bonds are issued in such annexed territory, the board shall annually levy a tax upon the taxable property in said annexed area sufficient to pay the interest and principal then due. Said levy shall be in addition to the levy applicable for all other taxes, tolls or charges of the district.

In the event that the voters of the area proposed to be annexed fail to approve the issuance of such bonds the board shall reject such proposed annexation.

SEC. 2. Section 14193 is added to said code, to read:

14193. The provisions of this article with reference to bonds in annexed territory do not limit the powers or alter the procedure provided for the issuance of bonds by the entire district and payable out of taxes levied upon all taxable property within the entire district.

CHAPTER 1663

An act to add Section 8025.5 to, and to amend Section 8026 of, the Elections Code, relating to recount of ballots.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 8025.5 is added to the Elections Code, to read:

8025.5. The Legislature hereby finds that the computation of the result of the votes cast for legislative offices as disclosed by a recount is merely a continuation of the computation originally made by the precinct officers and by the official canvass thereafter made by the canvassing board. Such a computation is for the most part ministerial in nature, is conducted by a ministerial body, and in no way impinges upon the constitutional guaranty that each house of the Legislature shall be the judge of the elections, returns, and qualifications of its members since it is not binding on the Legislature.

SEC. 2. Section 8026 of said code is amended to read:

8026. At any time prior to the fourth day following the completion of the canvass, including that of the absentee ballots, any candidate for an office may file with the election board a declaration alleging that because of mistake, error or misconduct the votes in one or more precincts specified in the declaration were so incorrectly counted that the returns do not correctly show which candidate received the plurality of the votes cast for the office in the precinct. A copy of the declaration may be personally served upon each other candidate for nomination for the same office prior to the filing of the declaration and shall be so served before the recount provided for in this article is commenced.

CHAPTER 1664

An act to amend Section 4289 of the Streets and Highways Code, relating to assessments for improvements.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 4289 of the Streets and Highways Code is amended to read:

4289. The clerk shall thereupon deliver to the street superintendent the assessment and diagram as confirmed by the legislative body, with his certificate of such confirmation and of the date thereof. The street superintendent shall thereupon record such assessment and diagram by filing the same in his office, in a suitable book to be kept for that purpose, which shall be the assessment roll, and by filing a notice of assessment executed by said superintendent of streets in substantially the form hereinafter set forth in the office of the recorder of the county in which the lots or parcels of land are situated. It shall be the duty of the recorder to so file any such notice presented to him upon payment of the filing fee therefor, which fee is hereby fixed at two dollars ($2). The time of recording as used in this division shall be the time of filing such notice in the office of said recorder.

NOTICE OF ASSESSMENT

Pursuant to the requirements of Section 4289 of the Streets and Highways Code, I, _____, Superintendent of Streets of the City of _____, County of _____, State of California, hereby give notice that a warrant, diagram and assessment were filed in my office on _____ as provided for in said section, and relating to the following described real property:

(The real property in the assessment district may be described by:

(a) Stating its exterior boundaries; or

(b) Giving a description thereof according to any official or recorded map; or

(c) Referring to a plat or map filed with the notice, which shall indicate by a boundary line the extent of the territory included in the assessment district, and shall govern for all details as to the extent of the assessment district.)

Notice is further given that upon the filing of this notice in the office of the county recorder the several assessments assessed as shown in said filed diagram and assessment shall be a lien upon the lots or portions of lots assessed, respectively.

Reference is made to the warrant, diagram and assessment on file in my office for full particulars.

Dated_____

_____

(Superintendent of Streets)

CHAPTER 1665

An act to amend Section 11 of the Defense Production Act (Statutes 1950, Third Extraordinary Session, Chapter 33), extending the effective date of the act.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 11 of the Defense Production Act (Statutes 1950, Third Extraordinary Session 1950, Chapter 33) is amended to read:

Sec. 11. This act shall remain in effect until the ninety-first day after the final adjournment of the 1957 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 act is in effect it shall supersede any existing provisions of law which are in conflict with this act; but such provisions are not repealed by this act and after this act is no longer effective shall have the same force as though this act had not been enacted.

CHAPTER 1666

An act to amend Section 20835 of and to add Sections 20332.5 and 21252.001 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 20835 of the Government Code is amended to read:

20835. The credit for prior service to be granted local members and the benefits pertaining thereto, shall be established by contract between the board and the governing body of such agency. Benefits on account of each year of credited prior service shall be in the form of a percentage of:

Credit for prior service Local members

(a) The final compensation of local safety members;

(b) The average compensation earnable by a local miscellaneous member during the three years immediately preceding the date upon which there was included in this system the group or class in which the local miscellaneous member was employed, or

(c) The final compensation of a local miscellaneous member, if that group or class is included in the system after the effective date of this subsection, or if the contracting agency elects to be subject to the provisions of this subsection by amendment to its contract made in the manner prescribed for approval of contract, except that an election among the employees is not required.

SEC. 2. Section 20332.5 is added to the Government Code, to read:

Service credited under federal system Credit for

20332.5. Notwithstanding the provisions of Sections 20332 and 20809 of this part, nothing shall act to prohibit the receipt of credit in this system, nor the payment of benefits relating thereto, for service which is also being credited in the federal old age and survivors insurance system, and persons shall not be excluded from this system as to such service as is being credited in the federal old age and survivors insurance system.

SEC. 3. Section 21252.001 is added to the Government Code, to read:

Local miscellaneous members

21252.001. The current service pension for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section and who retires upon or after attaining age 65, is a pension, derived from the contributions 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 one-seventieth of his final compensation multiplied by the number of years of current service rendered as an employee of the contracting agency, except service in a membership category other than that of a local miscellaneous member, with which he is entitled to be credited at retirement. If such a member retires before attaining age 65, the current service pension shall be reduced to that amount which the value of the pension as deferred to age 65 will purchase at the actual age at retirement on the basis of interest rates and mortality tables used under the system with respect to such members.

Applicability

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, such contracts shall make the contracting agency subject to the provisions of this section, or subject to the provisions of Section 21251.1.

CHAPTER 1667

An act to amend Section 6611.1, and to repeal Sections 6610.95 and 6611.6 of the Welfare and Institutions Code, relating to admission on certification.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 6611.1 of the Welfare and Institutions Code is amended to read:

6611.1. Prior to transporting any person to a state hospital or his admission thereto, pursuant to this article, the local health officer shall cause to be delivered to such person a notice in writing informing the person that application has been made for his admission to a state hospital and of his right to object thereto. At any time after the admission of a person to a state hospital pursuant to this article, the person, or any relative or friend in his behalf, may file with the superintendent of the hospital in which the person is confined, a written request for a court hearing to determine whether or not the person is mentally ill and in need of supervision, care, or treatment in the hospital.

SEC. 2. Section 6610.95 of said code is hereby repealed.

SEC. 3. Section 6611.6 of said code is hereby repealed.

CHAPTER 1668

An act to add Sections 8401 and 53062 to the Government Code, relating to the mailing of notices and other communications to or by the State, a county, city or district, or any officer or agency thereof.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 8401 is added to the Government Code, to read:

8401. Wherever any notice or other communication is required by any law to be mailed by registered mail to or by the State, or any officer or agency thereof, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of such law.

SEC. 2. Section 53062 is added to said code, to read:

53062. Whenever any notice or other communication is required by law to be mailed by registered mail to or by any county, city or district, or any officer or agency thereof, the mailing of such notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of such law.

CHAPTER 1669

An act to add Section 44.13 to the Vehicle Code, relating to coroner vehicles.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 44.13 is added to the Vehicle Code, to read:

44.13. Coroner Vehicles. Any vehicle publicly owned, or any vehicle privately owned which is maintained in whole or in part by a county, operated by a coroner, or by a deputy coroner regularly employed and salaried as such by a county, may, upon approval by the Commissioner of the California Highway Patrol, be equipped with a red light, but not with a siren, which red light may be used for purposes of identification and safety while the vehicle is at the scene of any violent street or highway death or at the scene of any death occurring on private premises which was caused by criminal, sudden, or obscure means. At all other times the red light must not be displayed to the front of the vehicle. Any such vehicle shall be subject to the provisions of this code applicable to the movement of vehicles and shall not be entitled to the exemptions granted authorized emergency vehicles by Section 454.

CHAPTER 1670

An act to add Sections 3237 and 3314 to, and to amend Sections 3000, 3161, 3162, 3163, 3205, 3206, 3207, 3215, 3218, 3222, 3305, 3307, 3308, 3402, and 3431 of Division 3 of the Public Resources Code, relating to the conservation of petroleum and gas.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 3237 is added to the Public Resources Code, to read:

Order for abandonment

3237. The supervisor or his deputy may order the abandonment of any well that has been deserted whether or not any damage is occurring or threatened by reason of said well. Suspension of drilling operations and removal of drilling machinery is prima facie evidence of desertion after the elapse of six months unless a request for an extension of time for a period not to exceed an additional six months is theretofore filed. At any time the supervisor may for good cause shown extend this period. Such order may be appealed to the district oil and gas commissioners.

SEC. 2. Section 3000 of said code is amended to read:

3000. Unless the context otherwise requires, the definitions hereinafter set forth shall govern the construction of this division. Construction

SEC. 3. Section 3161 of said code is amended to read:

3161. In case of any litigation to which the board of oil and gas commissioners of any district is a party, the duties conferred upon the Attorney General by Section 3102 shall be applicable and costs shall be handled as specified in that section. Legal services

SEC. 4. Section 3162 of said code is amended to read:

3162. In case of any hearing upon appeal before any board of district commissioners, it shall employ a competent stenographer to take the testimony and proceedings. The cost and expense of employing such stenographer shall be borne by the party or parties taking the appeal. In case either party commences proceedings in the superior court, to review any order or decision of the board, it shall require the stenographer so employed to make a full transcript, and three additional copies, of the testimony and proceedings before the board. The original and one copy shall be for the use of the board. One copy shall be furnished to the supervisor, and one copy shall be furnished to the owner of the well in question. The cost and expense of making such a full transcript and three copies thereof shall be borne by the parties to such court proceedings and shall be allocated to or apportioned among one or more of such parties in the discretion of the court. Transcript of hearings

SEC. 5. Section 3163 of said code is amended to read:

3163. Upon any subject in which any district commissioner is personally interested, or in which any person by whom he is employed is directly interested, such district commissioner shall not be entitled to sit or vote except as provided in Section 3351 of this chapter. Interest of commissioner

SEC. 6. Section 3205 of said code is amended to read:

3205. Any person who engages in the drilling, redrilling, or deepening of one or more wells at any time, may file with the supervisor one bond for twenty-five thousand dollars ($25,000) to cover all his operations in drilling, redrilling, or deepening of any of his wells in this State in lieu of a five thousand dollar ($5,000) bond for each well being drilled, redrilled, or deepened by him. The bond shall be executed by such person, as principal, and by an authorized surety company, as surety, and shall be in substantially the same language and upon the same conditions as provided in Section 3204, except as to the difference in the amount. Bond

SEC. 7. Section 3206 of said code is amended to read:

3206. Any five thousand dollar ($5,000) bond issued in compliance with this chapter may, with the consent of the supervisor, be terminated and canceled and the surety be relieved of all obligations thereunder. The supervisor shall not consent to the termination and cancellation of any bond until the well or wells for which it has been issued have been prop- Cancellation of $5,000 bonds

erly completed or abandoned or another valid bond substituted therefor.

SEC. 8. Section 3207 of said code is amended to read:

Cancellation of $25,000 bond

3207. Any twenty-five thousand dollar ($25,000) bond issued in compliance with this chapter may, with the consent of the supervisor, be terminated and canceled and the surety be relieved of all obligations thereunder when all wells covered by such bond have been properly completed or abandoned. Should the person who has filed a twenty-five thousand dollar ($25,000) bond properly complete or abandon a portion of his wells covered by the bond, the bond may, with the consent of the supervisor, be terminated and canceled and the surety be relieved of all obligations thereunder upon the filing by such person of a five thousand dollar ($5,000) bond for each well which he is still engaged in drilling, redrilling, or deepening Liability as to individual wells that have been drilled and abandoned or completed under a twenty-five thousand dollar ($25,000) bond may also be terminated with the consent of the supervisor.

SEC. 9. Section 3215 of said code is amended to read:

Copies of records filed with district deputy

3215. Upon the completion of any well or upon the suspension of operations upon any well, for a period of six months if it has been designated by the supervisor as a prospect well, or for a period of 30 days if it has not been so designated, 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 within 10 days 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. 10. Section 3218 of said code is amended to read:

Prospect wells

3218. The supervisor upon application of an owner or operator shall determine and designate what wells are prospect wells, and reports shall not be required from such prospect wells until six months after suspension of drilling operations.

SEC. 11. Section 3222 of said code is amended to read:

Manner of making test

3222. The owner or operator of any well shall demonstrate the shutoff of water by any casing which has been cemented or landed above or through an oil or gas zone or zones. The owner or operator shall give the district deputy adequate notice of the time at which he will demonstrate the shutoff of water in the well.

SEC. 12. Section 3305 of said code is amended to read:

Conduct of hearing

3305 At the hearing all persons interested are entitled to be heard and may present testimony either oral or written. All witnesses shall be sworn, and a transcript of the proceedings shall be kept by a stenographic reporter. All the provisions of this chapter in reference to the subpenaing of witnesses and the taking of depositions are applicable to the hearing before the supervisor. On the request of the supervisor a hearing officer in the Division of Administrative Procedure may assist and

rule upon legal matters but such officer shall not make the determination specified in Section 3306 of this chapter.

SEC. 13. Section 3307 of said code is amended to read:

Findings

3307. If it appears that gas is being produced from any oil well or wells in quantities exceeding a reasonable proportion to the amount of oil produced from the same well or wells, even though it is shown that such excess gas is being used in the generation of light, heat, power, or any other industrial purpose, the supervisor shall hold that such excess production of gas is unreasonable waste.

SEC. 14. Section 3308 of said code is amended to read:

Order

3308. If the waste of gas is found to be unreasonable, an order shall be made by the supervisor directing that the unreasonable waste of gas be discontinued or refrained from to the extent stated in the order. The sale or delivery of gas to another by a lessor, lessee, or operator shall be no defense, excuse, or reason for any lessor, lessee, or operator disobeying an order of the supervisor directing the discontinuance or curtailment of the production of the well or wells from which gas is being produced.

SEC. 15. Section 3314 is added to said code, to read:

Proceedings to enjoin waste

3314. Proceedings to enjoin waste as contemplated by this chapter shall be special proceedings restricted to the single issue whether gas is being produced or is threatened to be produced in unreasonably wasteful quantities and the extent to which such production should be enjoined on behalf of the State of California.

SEC. 16. Section 3402 of said code is amended to read:

Production charge on oil

3402. There shall annually be imposed upon the person operating each oil well in this State, or owning royalty or other interests in respect to the production from such well, a charge which shall be payable to the State Treasurer and which shall be computed at a uniform rate per barrel of oil produced from such well for the preceding calendar year. The charge shall be apportioned among all of such persons in fractional amounts proportionate to their respective fractional interests in respect to the production of such well, but the whole of such charge shall be payable by the operator, who shall withhold their respective proportionate shares of such charge from the amounts otherwise payable or deliverable to such owners of royalty or other interests. In the case of a penalty assessment as provided in Section 3409 of this chapter, no apportionment shall be made.

Apportionment

SEC. 17. Section 3431 of said code is amended to read:

Service of summons and complaint

3431. Whenever an action is commenced under the provisions of Section 3430, a copy of the complaint and of the summons shall be served upon the treasurer or his deputy and upon the supervisor or his deputy and upon the Attorney General or his deputy. At the time the treasurer demurs or answers, he may demand that the action be tried in the Superior Court of the County of Sacramento, which demand shall be granted.

CHAPTER 1671

An act to amend Section 1355.1 of the Financial Code, relating to savings bank investments in bonds of counties and public corporations.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 1355.1 of the Financial Code is amended to read:

1355.1. In the bonds of any flood control and water conservation districts, or any zone thereof, having an assessed valuation on taxable real property of not less than one million dollars ($1,000,000), county, city and county, city, metropolitan water district, municipal utility district, transit district, flood control district, or school district of the State of California (herein referred to generally as public corporations) except the bonds of any particular such public corporation which may be declared ineligible for investment by savings banks by regulations of the superintendent; provided, an amount exceeding 25 percent of the paid-up capital and surplus of the savings bank or exceeding 2 percent of the bank's savings deposits, whichever is greater, may not be invested in the bonds of any one such public corporation.

CHAPTER 1672

An act to amend Section 18102 of the Government Code and Section 3754 of the Labor Code, relating to sick leave benefit, vacation benefit and workmen's compensation benefits of state officers and employees.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 18102 of the Government Code is hereby amended to read:

18102. A state officer or employee who is entitled to temporary disability indemnity under Division 4 or Division 4.5 of the Labor Code may elect to take as much of his accumulated sick leave, or his accumulated vacation, as when added to his disability indemnity will result in a payment to him of his full salary or wage. When computing vacation or sick leave under this section the employee shall be given credit for any holidays that occur during the period of absence hereunder.

He is nevertheless entitled to medical, surgical, and hospital treatment as provided in the Labor Code. When his accumu-

lated sick leave or vacation, or both, are exhausted, he is still entitled to receive disability indemnity.

SEC. 2. Section 3754 of the Labor Code is hereby amended to read:

3754. Payment in whole or in part of compensation by either the employer or the insurer shall, to the extent thereof, be a bar to recovery against each of them of the amount so paid.

CHAPTER 1673

An act to add Section 13831.3 to the Education Code, relating to school district employees, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.] In effect immediately

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

SECTION 1. Section 13831.3 is added to the Education Code, to read:

13831.3. Notwithstanding any other provisions of law, if, prior to the effective date of this section, payment of the salary of any person employed in a position requiring certification qualification has been withheld because the certification document of such person was not in force for the period such salary was earned and the credentials of such person have been renewed within 90 days after the end of such period, the district may pay the person the amount of salary withheld.

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 when a teacher fails to renew his certification documents at the legally prescribed time, his salary cannot be paid for the period the documents are not in force. This provision works a severe hardship on the many teachers who by mistake, or because of the pressure of teaching duties, or otherwise, are late in renewing their documents, but who continue to teach in their usual positions during the period the documents are not in force and who are assured by the school district authorities that their salaries will be paid for such period as soon as the renewal is effective.

In order to restore the confidence of such teachers in the Public School System, and to encourage them to remain in the teaching profession, rather than seeking employment in other fields subject to fewer strict regulations, at a time when an increase rather than a decrease in the number of teachers is essential to furnish an adequate education to the children of the State, it is necessary that this act go into immediate effect.

CHAPTER 1674

An act to amend Section 19004 of, and to add Sections 19035, 19035.1, 19035.2, 19035.3, 19035.4, 19035.5, 19035.6, 19035.7, and 19035.8 to, the Business and Professions Code, relating to furniture and bedding.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 19004 of the Business and Professions Code is amended to read:

Definitions

19004. (a) "Bureau" refers to the Bureau of Furniture and Bedding Inspection.

(b) "Chief" refers to the chief of the bureau.

(c) "Inspector" refers to an inspector of the bureau.

(d) "Director" refers to the Director of Professional and Vocational Standards.

(e) "Department" refers to the Department of Professional and Vocational Standards.

(f) "Board" refers to the California Advisory Board of Furniture and Bedding.

SEC. 2. Section 19035 is added to said code, to read:

California Advisory Board of Furniture and Bedding

19035. There is in the Bureau of Furniture and Bedding Inspection a California Advisory Board of Furniture and Bedding, which consists of seven members appointed by the Governor.

SEC. 3. Section 19035.1 is added to said code, to read:

Members

19035.1. Two members of the board shall be manufacturers, two members shall be retailers, one member shall be a supply dealer, one member shall be a sterilizer, and one member shall represent the public at large. All of the members, except the member representing the public at large, shall have been actively engaged and licensed as a manufacturer, retailer, supply dealer, or sterilizer, as the case may be, for a period of not less than five years immediately preceding the date of their appointment and shall continue to be so engaged and licensed during the term of their office.

SEC. 4. Section 19035.2 is added to said code, to read:

Qualifications

19035.2. Each member of the board shall have been a citizen and a resident of the State of California for at least five years immediately preceding his appointment, and shall be at least 30 years of age and of good character.

Each member of the board, other than the member representing the public at large, shall be of recognized standing in his branch of the furniture and bedding industry in the State of California.

SEC. 5. Section 19035.3 is added to said code, to read:

Terms

19035.3. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors.

The terms of the members first appointed to the board shall expire as follows: the sterilizer, June 30, 1956; the supply dealer and the member representing the public at large, June 30, 1957; one manufacturer and one retailer, June 30, 1958; and one manufacturer and one retailer, June 30, 1959.

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

Each member appointed to the board, except the member appointed to represent the public at large, shall be from the same branch of the furniture and bedding industry as his predecessor.

No member shall serve more than two terms of office. Limitation on terms

SEC 6. Section 19035 4 is added to said code, to read:

19035.4. The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty. Removal

SEC. 7. Section 19035.5 is added to said code, to read:

19035.5. The board shall meet in January, April, July and October of each year, and at such other times as it may determine. Meetings

Four members shall constitute a quorum for the transaction of business. Quorum

The board shall elect from its members, each for a term of one year, a chairman and a vice chairman, and may appoint such committees as it deems necessary to carry out its duties. Chairman, etc

SEC. 8. Section 19035.6 is added to said code, to read:

19035.6. The chief shall serve ex officio as the secretary of the board, but shall not be a member of the board. Secretary

SEC. 9. Section 19035.7 is added to said code, to read:

19035.7. Each member of the board shall serve without compensation except that he shall be reimbursed for his traveling expenses necessarily incurred in the performance of his duties. No compensation

SEC. 10. Section 19035.8 is added to said code, to read:

19035.8. The board shall:

(a) Inquire into the needs of the furniture and bedding industry, the functions of the bureau and the matter of the policy thereof, and make such recommendations with respect thereto as, after consideration, may be deemed important and necessary for the welfare of the State, the health of the public, and welfare and progress of the furniture and bedding industry. Powers and duties

(b) Confer and advise with the director as to how the bureau may best serve the State, the public and the furniture and bedding industry.

(c) Consider and make appropriate recommendations on its own initiative as to changes in, or additions to or deletions of rules and regulations which the chief has adopted as, after consideration, may be deemed important and necessary.

(d) Consider and make appropriate recommendations in all matters submitted to it by the director or the chief.

(e) Confer and advise with the chief in the preparation of any rules and regulations to be adopted, amended or repealed.

(f) Assist the chief in the collection of such necessary information and data as the chief may deem necessary to the proper administration of this chapter.

CHAPTER 1675

An act to amend Section 32221 of the Health and Safety Code, relating to capital outlays of hospital districts.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 32221 of the Health and Safety Code is amended to read:

32221. The board of directors may establish a fund for capital outlays; provided, that no part of said fund except such part as received through gifts, donations, devises, or bequests, or from sources other than the tax levy specified by Section 32202, shall be used for new construction of additional patient bed capacity for an existing hospital in excess of fifty thousand dollars ($50,000) over a period of four years (other than remodeling, alteration or conversion of existing facilities) unless a majority of the district electors voting at an election held for that purpose approve such new construction proposal. If such fund is established, it shall include in the estimate required to be furnished to the board of supervisors a statement of the amount to be included in the annual assessment for this purpose. The amount to be raised shall be included in the tax limitation prescribed by Section 32203.

SEC. 2. This act shall not become operative until January 1, 1956, and then only with respect to funds used to pay contracts or other obligations entered into or incurred after that date.

CHAPTER 1676

An act to add Sections 60114.1 and 61114.1 to the Government Code, relating to exclusion of land from, and inclusion of land to, community services districts.

In effect September 7, 1955

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 60114.1 is added to the Government Code, to read:

60114.1. Where territory has been excluded from a community service district by a supervising authority or by a governing body, it shall not thereafter, in the absence of a finding based upon substantial evidence of changed conditions with respect thereto, be included or annexed.

SEC. 2. Section 61114.1 is added to said code, to read:

61114.1. Where territory has been excluded from a community service district by a supervising authority or by a governing body, it shall not thereafter, in the absence of a finding based upon substantial evidence of changed conditions with respect thereto, be included or annexed.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 1714 of the 1955 General Session is enacted into law and in such case at the same time as said Senate Bill No. 1714 takes effect; at which time Section 1 of this act is repealed.

Effect Stats. 1955, Ch. 1746

CHAPTER 1677

An act to amend Sections 60600 and 61600 of the Government Code, relating to community services districts.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 60600 of the Government Code is amended to read:

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:

Purposes

(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.

(i) To supply the inhabitants of the district with water for irrigation. If the sole purpose of the district, as designated in the petition for formation, is to supply the inhabitants of the district with water for irrigation, the taxes levied by such dis-

trict shall be solely on the land in the district, exclusive of improvements, and the provisions of Part 6 of this division shall be restricted to apply, and shall be applied only, to the assessed value of the land within the district, exclusive of improvements, as the same appears on the equalized assessment rolls of the counties in which the district is situated.

(j) The opening, widening, extending, straightening, and surfacing, in whole or part of any street in such district, subject to the consent of the governing body of the county in which said improvement is to be made.

(k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (i), subject to the consent of the governing body of the county in which said improvement is to be made.

SEC. 2. Section 61600 of said code is amended to read:

Same

61600. 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.

(i) To supply the inhabitants of the district with water for irrigation. If the sole purpose of the district, as designated in the petition for formation, is to supply the inhabitants of the district with water for irrigation, the taxes levied by such district shall be solely on the land in the district, exclusive of improvements, and the provisions of Part 6 of this division shall be restricted to apply, and shall be applied only, to the assessed value of the land within the district, exclusive of improvements, as the same appears on the equalized assessment rolls of the counties in which the district is situated.

(j) The opening, widening, extending, straightening, and surfacing, in whole or part of any street in such district, subject to the consent of the governing body of the county in which said improvement is to be made.

(k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (i), subject to the consent of the

governing body of the county in which said improvement is to be made.

Effect Stats 1955, Ch 1746

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 1714 of the 1955 General Session is enacted into law and in such case at the same time as said Senate Bill No. 1714 takes effect; at which time Section 1 of this act is repealed.

CHAPTER 1678

An act to amend Sections 10131, 10132, 10134, 10252, 10253, 10255, 10501, 10502, and 10506, and to add Sections 10026, 10252.5, 10253.5 and 10305 to, the Business and Professions Code, relating to definitions of brokers and salesmen and advance fee charges.

[Approved by Governor July 5, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 10131 of the Business and Professions Code is amended to read:

Broker

10131. A real estate broker within the meaning of this part is a person who, for a compensation or in expectation of a compensation, sells or offers for sale, buys or offers to buy, lists or solicits for prospective purchasers, or negotiates the purchase or sale or exchange of real estate, or who, for a compensation or in expectation of a compensation, negotiates loans on real estate, leases or offers to lease, or negotiates the sale, purchase, or exchange of leases, rents or places for rent, or collects rent from real estate, or improvements thereon, for another or others.

SEC. 2. Section 10132 of the Business and Professions Code is amended to read:

Salesman

10132. A real estate salesman within the meaning of this part is a natural person who, for a compensation or in expectation of a compensation, is employed by a licensed real estate broker to sell, or offer for sale, or to list, or to buy, or to offer to buy, or to negotiate the purchase or sale or exchange of real estate, or to solicit for prospective purchasers of real estate, or to negotiate a loan on real estate, or to lease, or to negotiate the sale, purchase or exchange of leases, or offer to lease, rent or place for rent, any real estate, or improvements thereon.

SEC. 3. Section 10134 of the Business and Professions Code is amended to read:

Single transaction

10134. One act of buying or selling real estate of or for another for a compensation or in expectation of a compensation, or offering for another to buy or sell or exchange real estate, or negotiating the purchase or sale or exchange of, or listing or soliciting prospective purchasers of real estate, or negotiating a loan on or leasing or renting or placing

for rent real estate, or collecting rent therefrom constitutes the person making such offer, sale or purchase, exchange or lease, or negotiating the loan, or so renting or placing for rent or collecting the rent or listing or soliciting, a real estate broker or real estate salesman within the meaning of this part.

SEC. 4. Section 10026 is added to the Business and Professions Code, to read:

"Advance fee"

10026. The term "advance fee" as used in this part is a fee claimed, demanded, charged, received or collected for a listing, advertisement or offer to sell or lease property in a publication issued primarily for the purpose of promoting the sale or lease of business opportunities or real estate or for referral to business opportunity or real estate brokers or salesmen, or both, other than a newspaper of general circulation, prior to the printing thereof.

SEC. 5. Section 10252 of the Business and Professions Code is amended to read:

Business opportunity broker

10252. A business opportunity broker within the meaning of this part is a person who, for a compensation or in expectation of a compensation, sells or offers for sale, rents or offers to rent, or collects rent, buys or offers to buy, lists, leases or offers to lease, or solicits for prospective tenants or purchasers, or negotiates loans on, or negotiates the purchase or sale or the renting, leasing or exchanging of a business, business opportunity, or interest therein, or the good will of an existing business for another or others.

SEC. 6. Section 10252.5 is added to the Business and Professions Code, to read:

Same

10252.5. A business opportunity broker within the meaning of this part also includes any person who engages in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to promote the sale or lease of business opportunities or real estate by listing of offerings of such property in a publication issued primarily for such purpose or for referral to business opportunity or real estate brokers or salesmen, or both.

SEC. 7. Section 10253 of the Business and Professions Code is amended to read:

Business opportunity salesman

10253. A business opportunity salesman within the meaning of this part is a natural person who, for a compensation or in expectation of a compensation, is employed by a licensed business opportunity broker to sell or offer for sale, to rent or offer to rent, or collect rent, or to list or offer to list, or to buy or to offer to buy, or to lease or offer to lease, or to solicit for prospective tenants or purchasers, or to negotiate loans on, or to negotiate the purchase or sale or the renting, leasing, or exchanging of a business, business opportunity, or interest therein, or the good will of an existing business.

SEC. 8. Section 10253.5 is added to the Business and Professions Code, to read:

Same

10253.5. A business opportunity salesman within the meaning of this part also includes a natural person who is employed by a licensed business opportunity broker to claim, demand, charge, receive, collect or contract for the collection of an advance fee in seeking to promote the sale or lease of business opportunities or real estate by listing of offerings of such property in a publication issued primarily for such purpose or for referral to business opportunity or real estate brokers or salesmen, or both.

SEC. 9. Section 10255 of the Business and Professions Code is amended to read:

Single transaction

10255. One act of buying or selling a business opportunity of or for another for a compensation or in expectation of a compensation, or offering for another to buy or sell or exchange a business opportunity, or negotiating the purchase or sale or exchange of, or listing or soliciting prospective purchasers of business opportunities, or negotiating a loan on or leasing or renting or placing for rent a business opportunity, or collecting rent therefrom, or charging, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to promote the sale of business opportunities or real estate by listing of offerings of such property in a publication issued primarily for such purpose or for referral to real estate or business opportunity brokers or salesmen, or both, constitutes the person making such offer, sale or purchase, exchange or lease, or negotiating the loan, or so renting or placing for rent or collecting the rent or listing or soliciting, or charging, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to promote the sale of business opportunities or real estate by listing of offerings of such property in a publication issued primarily for such purpose or for referral to real estate or business opportunity brokers or salesmen, or both, a business opportunity broker or salesman within the meaning of this part.

SEC. 10. Section 10501 of the Business and Professions Code is amended to read:

Mineral, oil and gas broker

10501. A mineral, oil and gas broker within the meaning of this part is a person who, for a compensation or in expectation of a compensation, sells or offers for sale, buys or offers to buy, lists, or solicits for prospective purchasers, or negotiates the purchase or sale or exchange of mineral, oil or gas property, or who, for a compensation or in expectation of a compensation, negotiates loans on mineral, oil or gas property, leases or offers to lease, or negotiates the sale, purchase, or exchange of leases, rents or places for rent, or collects rent or royalties from mineral, oil or gas property, for another or others.

SEC. 11. Section 10502 of the Business and Professions Code is amended to read:

Mineral, oil and gas salesman

10502. A mineral, oil and gas salesman within the meaning of this part is a natural person who, for a compensation or in expectation of a compensation, is employed by a licensed mineral, oil and gas broker to sell or offer for sale, or to list, or to buy or to offer to buy, or to negotiate the purchase or sale or exchange of mineral, oil or gas property, or to solicit for prospective purchasers of mineral, oil or gas property, or to negotiate a loan on mineral, oil or gas property, or to lease, or to negotiate the sale, purchase or exchange of leases, or offer to lease, rent or place for rent, any mineral, oil or gas property.

SEC. 12. Section 10506 of the Business and Professions Code is amended to read:

Single transaction

10506. One act of buying or selling a mineral, oil or gas property of or for another for a compensation or in expectation of a compensation, or offering for another to buy or sell or exchange a mineral, oil or gas property, or negotiating the purchase or sale or exchange of, or listing or soliciting prospective purchasers of mineral, oil or gas property, or negotiating a loan on or leasing or renting or placing for rent a mineral, oil or gas property, or collecting rent therefrom constitutes the person making such offer, sale or purchase, exchange or lease, or negotiating the loan, or so renting or placing for rent or collecting the rent or listing or soliciting, a mineral, oil and gas broker or salesman within the meaning of this part.

SEC. 13. Section 10305 is added to the Business and Professions Code, to read:

Accounting for advance fees

10305. Any licensee who charges or collects an advance fee shall, within three months after such charge or collection, furnish to his principal an accounting of the use of such money. The commissioner may also demand an accounting by such licensee of advance fees so collected.

CHAPTER 1679

An act to amend Section 2 of Chapter 1693 of the Statutes of 1953, relating to the Colorado River Boundary Commission, and making an appropriation therefor, declaring the urgency of this act, to take effect immediately.

In effect immediately

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 2 of Chapter 1693 of the Statutes of 1953 is amended to read:

Joint action with Arizona representatives

Sec. 2. It shall be the duty of said commission to confer and act in conjunction with said representatives to be ap-

pointed on behalf of the State of Arizona for the following purposes:

(a) To make a joint investigation at the joint expense of said two states as to the location of the common boundary between the two states with respect to the present channel of the Colorado River from the southern boundary of the State of Nevada to the international boundary between the State of California and the United Mexican States;

(b) To investigate, negotiate and report as to the necessity and advisability of a compact between said two states defining or relocating said common boundary;

(c) To investigate and report as to the necessity and advisability of provisions in any such compact relating to the straightening, control, improvement or relocation of the channel of said river and as to the effect upon such interstate boundary of the performance of any such works;

(d) To hold such hearings and conferences in either of said two states as may be requisite in the premises and to do such other acts and things, either separately or in cooperation with the State of Arizona or the United States, or both, as may be necessary or convenient to accomplish the purposes of this act.

(e) To do all things necessary within the limit of its appropriation to survey, monument and map any boundary line heretofore or hereafter duly fixed by the State of California and the State of Arizona, the cost thereof to be shared jointly by the two states;

(f) To aid, assist and advise the Members of the Congress of the United States in regard to securing the consent of the Congress to any boundary line heretofore or hereafter duly fixed by the State of California and the State of Arizona;

(g) To formulate and enter into administrative agreements on behalf of said states to solve problems which may arise by reason of the two states fixing the true boundary between said states;

(h) To make such procedural rules and regulations, to carry out the purposes of this act as said commission may deem necessary or convenient;

(i) To investigate and report back to the Governor and the Legislature prior to the session of the Legislature in 1957 its recommendations as to what administrative problems may continue to exist along the common boundary, what experiences it has had in connection with said problems, and what department or departments of the State Government should be charged with administration of such problems in the future.

Appropriation

SEC. 2. There is hereby appropriated out of the State Lands Act Fund the sum of fifty thousand dollars ($50,000) to be used upon order of said commission for the payment of the expenses and charges of such joint investigation and for the expenses of said commission This appropriation shall remain available for expenditure until June 30, 1957.

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 Section 1 of Article IV of the Constitution, and shall go into immediate effect. The facts constituting such necessity are:

Owing to the meandering of the Colorado River since the adoption of the Constitution of California in 1849 and since the adoption of the Arizona Constitution in 1912, doubts exist as to where the true boundary line between the two states may be. Conflicts which may lead to violence, exist between private claimants of title to the same land under the laws of Arizona and under the laws of California. Uncertainties exist as to the right of public officials of California to assess, tax and police certain lands, which uncertainties affect the public revenues of California. Because of said facts it is necessary that this act go into effect immediately.

CHAPTER 1680

An act to repeal Division 9, except Section 9053 thereof, of, and to add Division 9 to, the Public Resources Code, relating to soil and water conservation, creating the Division of Soil Conservation in the Department of Natural Resources and prescribing its duties and functions, prescribing the duties and functions of the State Soil Conservation Commission, and regulating the organization, government, operations, finances, and functions of soil conservation districts, and making an appropriation.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

Repeal

SECTION 1. All of Division 9 of the Public Resources Code, except Section 9053 thereof, 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 in-

creases. 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.

Such districts shall not have legal authority to conserve water for power purposes or to produce or distribute power for their own use or for the use of others.

Expenditures for general public interest

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

Definitions

9010. As used in this division the following terms have the meanings attributed to them in this article, unless the context otherwise requires.

"Commission"

9011. "Commission" means the State Soil Conservation Commission.

"Department" 9012. "Department" means the Department of Natural Resources.

"Director" 9013. "Director" means the Director of Natural Resources.

"Division" 9014. "Division" means the Division of Soil Conservation of the department.

"Chief" 9015. "Chief" means the Chief of the Division of Soil Conservation.

"District" 9016. "District" means a soil conservation district.

"Public district" 9017. "Public district" means a district established under the law of this State, other than a soil conservation district.

"Directors" 9018. "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.

"Board" 9019. "Board" means the county board of supervisors.

"Principal county" 9020. "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.

"Landowner" 9021. "Landowner" or "owner of land" includes a holder of evidence of title and, also, a holder of land under a possessory right acquired by entry or purchase from the United States or the State of California. A guardian, executor, administrator, or other person holding property in a trust capacity under an appointment of court is the "owner" of such property for the purposes of this division and as such may do and perform any act provided for herein when authorized by an order of court which order may be made without notice.

If any land is assessed on the assessment roll to unknown or fictitiously named owners, or to unnamed owners in addition to any owner or owners named thereon, the land has, for the purposes of this division, but one owner in addition to any owner or owners whose true name or names may be purported to be given on the assessment book.

The holder of title to an undivided interest in any land is an owner as to his interest for the purposes of this division, and such undivided interests shall be counted and valued as though they were separate interests. If the assessment roll fails to indicate the extent of any undivided interest, the holders of title whose undivided interests are not specifically defined are owners for the purposes of this division, of equal shares therein.

The value of any land and the owners of any land are conclusively determined, for the purposes of this division, by the next preceding equalized assessment roll.

"Land occupant"

9022. "Land occupant" or "occupant of land" means a person in possession of land within a district whether as owner, 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.

"Voter"

9023. "Voter" means a person entitled to vote at an election held pursuant to this division.

"Proxy"

9024. "Proxy" means a written authorization to vote or sign a petition. Landowners 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"

9025. "Person" includes person, association, or corporation.

"Assessment roll"

9026. "Assessment roll" means the entire assessment roll upon the basis of which real property is taxed for county purposes.

"Assessment records"

9027. "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"

9028. "Assessor" means the assessing officer of a county by whatever title he may be known.

Article 3. Applicability

Construction as continuance of existing law

9031. This Division 9 of the Public Resources Code, insofar as it is substantially the same as the Division 9 of that code repealed upon the enactment of this Division 9, shall be construed as a restatement and continuation of the existing law and not as a new enactment nor shall anything in this division impair the validity, the rights, or the obligations of any district formed prior to the effective date of this act.

Survival of actions

9032. No action or proceeding relating to or arising out of the Division 9 of the Public Resources Code repealed upon the enactment of this Division 9 commenced before the effective date of this Division 9, and no right accrued, pursuant to that repealed Division 9, is affected by the provisions of this Division 9, but any step thereafter taken in such action or proceeding shall conform to the provisions of this Division 9 so far as possible.

Continuance in office or employment

9033. All persons who, at the time this Division 9 goes into effect, are officers or employees of a soil conservation district operating under the Division 9 repealed upon the enactment of this Division 9 shall continue to be officers of employees as though the Division 9 had not been repealed.

Chapter 2. The Division of Soil Conservation

Article 1. Organization

Division of Soil Conservation

9035. There is in the Department of Natural Resources the Division of Soil Conservation.

Chief

9036. The Division of Soil Conservation is in charge of a chief, designated as Chief of the Division of Soil Conservation, who is appointed by the director with the advice and consent of the commission. The appointment shall be made pursuant to the State Civil Service Act from an eligible list prepared by the State Personnel Board from the results of an open examination.

Article 2. Powers and Duties

Powers and duties

9039. The chief shall be responsible to the Director of Natural Resources for properly carrying out his functions under this division.

Forming districts

9040. The chief shall assist in the formation, organization and operation of soil conservation districts.

Investigations

9041. He may investigate any proposed new soil conservation district or addition of land to a district and report his findings and conclusions to the requesting authority and the proponents of such district, or addition.

Approval, etc., of plans

9042. He 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 him, approve, disapprove, or suggest modifications of such plans or proposals.

Cooperation with other agencies

9043. He 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.

Soil erosion

9044. Insofar as consistent with the duties, obligations and responsibilities of other public agencies, the chief may promote coordination of the activities of such agencies in furtherance of the control of runoff and the prevention and control of soil erosion.

Employees

9045. The chief may employ such clerical, technical, or other assistants as he deems necessary.

Headquarters

9045.5. The official headquarters of the chief shall be at Sacramento, California.

Status of present employees

9046. All persons, other than temporary employees, serving in the state civil service and engaged in the performance of a function transferred to the Division of Soil Conservation, Department of Natural Resources or engaged in the administration of a law, the administration of which is transferred to said division, shall remain in the state civil service and are hereby transferred to the division on the effective date of this act. The status, positions, and rights of such persons

shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position that is exempt from civil service. In pursuance hereof the person holding the position of secretary to the commission on the day prior to the effective date of this act is hereby continued as secretary on the effective date of this act, and his status, position, and rights shall not be affected by such transfer and shall be continued to be retained by him pursuant to the State Civil Service Act.

Transfer of funds

9047. All money available, including money which becomes available after the effective date of this Division 9, for expenditure by any department, division, board, authority, commission, or officer or employee thereof, to be used in the administration of any function, the exercise of any right, or performance of any duty, which function, right or duty is transferred by this Division 9, shall be transferred to the department, commission, division, board, authority, or officer or employee thereof which is to administer the function, exercise the right, or perform the duty.

Vesting of powers, etc

9048. The Division of Soil Conservation shall succeed to and is hereby vested with all of the powers, duties, purposes, responsibilities, and jurisdiction in matters pertaining to soil conservation now or hereafter vested by law in the State Soil Conservation Commission, or any officer or employee thereof. The division shall have possession and control of all records, books, papers, and other property, real, personal and mixed, now or hereafter held for the benefit or use of the State Soil Conservation Commission, except that property heretofore purchased or acquired by the commission for the use of districts may be disposed of by the commission pursuant to Article 3 of this chapter.

The Chief of the Division of Soil Conservation shall succeed to and is hereby vested with all the powers, duties, responsibilities and jurisdiction now or hereafter vested by law in the commission, except as to duties specifically vested in the commission by this code.

Article 3. Funds and Expenditures

Receiving contributions

9049. The commission may receive contributions from the United States, public districts, soil conservation districts, public agencies, or persons and may use such contributions for the purposes of the district.

Same

9050. The commission is authorized on behalf of the State to accept grants from the United States for the control of runoff and floods, the prevention or control of soil erosion, and for water conservation and to administer such grants pursuant to the terms thereof.

Disposition of money

9051. All money contributed to the commission shall be paid into the State Treasury to the credit of the Soil Conservation Development Fund, which fund is hereby created.

Such money shall be paid out upon the order of the commission.

Financial transfers and adjustments

9052. The Soil Conservation Commission Fund and the Soil Conservation Equipment Revolving Fund are abolished. The State Controller shall transfer the balances remaining therein to the Soil Conservation Development Fund, and all appropriations heretofore or hereafter made from, and all sums payable or returnable to, the Soil Conservation Commission Fund or the Soil Conservation Equipment Revolving Fund, shall be payable from, or to, the Soil Conservation Development Fund.

Use of moneys

9053.1. The commission may purchase with money from the Soil Conservation Development Fund and rent to a district or sell, on a rental-purchase agreement or otherwise, to a 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 money 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, 1956.

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 January 1, 1956, 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 Fi-

nance, and any balance shall be available for expenditure for district purposes.

Use of equipment

9053.2. All equipment and machinery made available to any soil conservation district pursuant to this Division 9 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

9053.3. 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 or the division in supervising, maintaining and operating such equipment, and to cover the costs of administration of the provisions of Sections 9053.1, 9053.2, 9053.3 and 9053.4, it being the intent of the Legislature that the operations of the commission pursuant to this article shall be self-supporting. There shall be an equipment supervisor in the division 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

9053.4. The commission shall establish individual rates for the sale of all units or complements of equipment, subject to approval by the Department of Finance.

Article 4. The State Soil Conservation Commission

State Soil Conservation Commission

9054. There is in the Department of Natural Resources the State Soil Conservation Commission It shall consist of seven 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.

Members

9055. Five of the members to be appointed shall be directors and in making such appointments, the Governor shall provide as nearly equal representation as possible from all portions of the State, and two of the members shall be appointed from the State at large and shall be representatives of agriculture and may or may not be directors.

Oath

9056. Within 30 days after his appointment the appointed member shall take and file his oath of office as member of the commission.

Compensation

9057. 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.

Quorum

9058. Four members of the commission shall constitute a quorum for any purpose, including organization.

Chairman

9059. The commission shall elect a chairman from their number who shall serve as chairman for one year and until his successor is elected.

Secretary

9060. 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.

Soil conservation policy

9061. The commission shall cause to be studied and shall consider the whole problem of soil conservation within the State, and it may formulate, in cooperation with other state agencies, interested organizations, and citizens, a comprehensive soil conservation policy for the State.

Determination of policies

9062. The commission shall determine and advise policies for the guidance of the chief of the division in the performance and exercise of his duties and powers.

Soil conservation activities

9063. The commission shall aid and encourage, but not conduct, soil conservation activities.

Responsible to Director of Natural Resources

9064. The commission shall be responsible to the Director of Natural Resources for properly carrying out its functions under this division.

Report to Governor

9065. The commission shall report annually to the Governor on the soil conservation projects and improvements accomplished by or with the aid of the State, and the commission may from time to time prepare and publish reports on the needs of the State and the local subdivisions thereof for soil conservation programs, developments, facilities and activities.

State Soil Conservation Advisory Board

9065. There is in the Department of Natural Resources a State Soil Conservation Advisory Board which shall consist of the Director of the Agricultural Extension Service of the University of California, the officer in charge of the state agency responsible for administering Parts 2, 3 and 4 of Division 2 of the Water Code, the Chief of the United States Soil Conservation Service for California and the Chairman of the Agricultural Stabilization and Conservation Committee for California. The board shall assist and advise the commission.

CHAPTER 3. SOIL CONSERVATION DISTRICTS

Article 1. Lands Included

Formation of district

9074. 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

9075. 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 and distribution of water, or land improvement, and for fully accomplishing the purposes for which the district is formed.

Same

9076. 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 and distribution of water, or land improvement. No lands may be included in more than one district.

Same

9077. The lands included in any one district may be situated in one or more counties.

Same

9078. The lands included in a district may be publicly owned or privately owned.

Article 2. Investigation of Proposals

Submission of proposals

9080. 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.

Where formation not completed in two years

9080.1. If the formation of the district is not completed within two years from the date of the first submission of the proposal to the board of supervisors, no further action may be taken on the proposal and the proposal shall be deemed invalid; except, that where it reasonably appears to him that the proposal will be acted upon, the chief from time to time may either on his own motion or on request of any interested party extend, for periods not to exceed one year in all, the time within which action may be taken on the proposal.

Investigation

9081. The board of supervisors first shall request the chief 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

9082. The chief shall make the requested investigation and report thereon as soon as practicable.

Submission to boundary commission

9083. Upon receipt of the report of the chief 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

9084. 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

9085. In considering such a proposal, the county boundary commission shall compare the proposed boundaries of the dis-

trict 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

9086. 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 chief.

Consideration by supervisors

9087. 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 chief. A copy of the board's determination shall be sent to the county boundary commission and the chief.

Modifications

9088. 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

9089. If the proponents decline to accept any recommendations for modifications 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 chief by the proponents.

Petition to form new district

9090. 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 3. Petition

Petition for organization of a district

9093. 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

9094. 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

9095. 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 4 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 division.

Number of acres

9096. 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

9097. 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 an owner of land within the proposed district that he saw written the signatures thereon and each was written by the person whose signature it purports to be.

Proxies

9098. The proxies shall accompany the petition or appropriate section thereof.

Statement of title

9099. 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

9100. The petition shall be presented to the clerk of the board of supervisors of the principal county.

Submission to assessors

9101. 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

9102. 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

9103. 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

9104. 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

9105. 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

9106. 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

9107. 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 4. Hearing

Hearing

9110. If the petition is found to be sufficient, the board shall set a time and place for a public hearing on the petition.

Notice

9111. 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

9112. 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

9113. 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

9114. 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

9115. 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

9116. 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

9117. 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

9118. 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

9119. 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

9120. 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.

Determination final

9121. The determination of the boundaries of a district by the board shall be final.

Naming district

9122. 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 5. Election on Formation and of First Directors

Election

9125. 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 9095, 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

9126. Directors shall be elected at large and each shall be an owner of land in the district.

9127. Candidates for office of director shall be nominated at least 10 days prior to the date of election.

Nominations

9128. Nomination of candidates shall be in writing and signed by at least five landowners of the district. Nominations shall be filed with the clerk of the board of supervisors of the principal county.

Notice

9129. Notice of election shall be given at least 15 days prior to the election.

Same

9130. 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

9131. 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

9132. 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

9133. 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

9134. The board shall establish a convenient number of precincts, define their boundaries, and designate a polling place in each.

Ballots

9135. 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.

Law applicable

9136. Except as otherwise provided, the general election laws shall apply to elections under this article.

Irregularities Effect

9137. 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

9138. 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

9139. 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

voters may write in names of persons whose names are not printed on the ballot and vote for them for directors.

Qualified electors

9140. Any landowner of the district may vote at an election under this article after first having executed and submitted the affidavit required by Section 9203.

Canvass

9141. 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

9142. 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

9143. 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

9144. 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

9145. An election under this article may be contested by any landowner in the proposed district.

Same Time

9146. 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

9147. The directors elected at the election shall be the parties defendant in the contest.

Same Court

9148. 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

9149. 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

9150. 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 6. Proceedings Supplemental to Organization

Copy of order

9155. 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

9156. The board shall also forward certified copies of said order to the chief, 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

9157. 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 7. 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

9168. 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.

9169. 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. Same

9170. The directors shall select a date, time, and place at which regular monthly meetings of the directors shall be held Monthly meeting

9171. 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. Meetings

9172. 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. Special meetings

9173. 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. Same

9174. 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. Quorum

9175. 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. Public meetings

9176. 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. Directors Term of office

9177. Resignations of directors shall be made in writing to the board of supervisors of the principal county. Resignations

9178. 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. Vacancies

Article 8. General District 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. Biennial election

9201. Not less than 60 days prior to the election, any five or more landowners of 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 Nominations

placed upon the ballot as candidates for the office of director. Each person nominated shall be an owner of land within the district.

Withdrawal 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 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 prior to casting a ballot every voter must execute an affidavit that he is an owner of land within the district at the time of the election and submit such affidavit with his ballot.

Noncontested election

9204. If on the fiftieth day prior to the day fixed for the general soil conservation district election it appears that one person but not more than one, or that no person, has been nominated for each of the positions of director, which are to be filled at that election and that a petition, signed by not less than 5 percent of the landowners of the district requesting that the general soil conservation district election in the district be held, has not been presented to the board of supervisors of the principal county, an election shall not be held, but 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 each of said positions the person who has been nominated for such position, or if no person has been nominated, any qualified person. The persons so appointed shall qualify, 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, or qualified persons if none have been nominated, for said positions of director, shall be published at least five 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 landowner of the district may vote at an election under this article after first having executed and submitted the affidavit provided for in Section 9203.

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 9. 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.

Donations

9251. The directors may accept gifts and grants of money from any source whatsoever to carry out the purposes of the district.

Contracts

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.

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, the chief, 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 of works

9258. The directors may operate and maintain, independently or in cooperation with the United States or this State or any state agency or political subdivision or any person, any and all works constructed by the district.

Information

9259. The directors may disseminate information relating to soil and water conservation, and may conduct demonstrational projects within the district on public land, with the consent of the agency administering or having jurisdiction thereof, or on private lands, with the consent of the owners thereof, independently or in cooperation with the United States, this State or any political subdivision or public district thereof, or any person.

Equipment loan, etc

9260. When in the judgment of the directors it is for the benefit of the district so to do, they may give assistance to private landowners or land occupants within the district in seeds, plants, materials and labor, and may loan or rent to any such private landowner or land occupant agricultural machinery or other equipment. No such assistance shall be given or any such loans made unless the landowner or land occupant receiving such aid or assistance agrees to devote and use same on his lands within the district in furtherance of objectives of the district and in accordance with district plans or regulations. Notwithstanding the fact that he is also a director any landowner is qualified to and may receive assistance or loans under this section.

Plans

9261. The directors shall develop district-wide comprehensive plans for soil and water conservation, including the improvement of farm irrigation and land drainage within the district.

Purchase, etc., of projects

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.

Management 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.

Cropping, etc., standards

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.

Cooperation

9265. 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 con-

servation 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.

Legal advice

9266. 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 shall call upon him for such legal advice and assistance. The district attorney or county counsel, as may be appropriate, shall, upon the request being made, give such advice and assistance.

Educational programs

9267. The directors may engage in activities designed to promote a knowledge of the principles of soil and water conservation throughout the district and for that purpose may develop educational programs both for children and for adults. In the development of such programs the directors may authorize the giving of awards and prizes for outstanding achievement; provided, that the total amount of any such awards or prizes shall not exceed the total balance remaining unexpended of money theretofore received by the district through donations, gifts, and grants. In no event, however, shall any expenditures be made pursuant to this section from any money derived from regular assessments of the district or from money appropriated to the district from the general fund of the county for the use of the district in accordance with provisions of Section 9371.

Article 10. Property of District

Title to property

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.

Acquiring, etc., 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.

Selling, 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.

Conveyance

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.

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 11. 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.

When inclusion not completed in two years

9280.1. If the inclusion of additional lands in a district is not completed within two years from the date of the first submission of the proposal to the board of directors, no further action may be taken on the proposal and the proposal shall be deemed invalid; except, that where it reasonably appears to him that the proposal will be acted upon, the chief from time to time may either on his own motion or on request of any interested party extend, for periods not to exceed one year in all, the time within which action may be taken on the proposal.

Investigation

9281. Upon receipt of a proposal for the inclusion of additional land, the board of directors shall first request the chief 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 chief 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 chief.

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. A copy of the board of directors' determina-

tion shall be sent to the county boundary commission and the chief.

Modifications

9288. Upon the receipt of the report, the proponents shall consider the recommendations of the county boundary commission and the board of directors and may make any modifications recommended.

Reconsiderations

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 chief 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; 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 secretary for further particulars. The notice shall state that the report of the county boundary 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 for 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 from the proposed addition to the district as are so requested.

Same

9303.1. The directors may include such additional land in the proposed addition to the district as may be so requested.

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 chief 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 not less than 25 landowners, or 51 percent if there are less than 50 landowners in the proposed area, 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 9303.1, 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 otherwise 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 owner of land in the area proposed to be included may vote at an election on the inclusion thereof after having first executed and submitted an affidavit that at the time of the election he is an owner of land in the area proposed to be included. 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 chief 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.

Inclusion of contiguous land

9315. In addition to the authority granted in Sections 9291 to 9314, inclusive, if one or more landowners request the inclusion of land owned by them, which land is contiguous to the district, the board of directors shall determine if the inclusion of such land is for the best interest of the district, and, if so, include the land.

Order

9316. If the inclusion 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 chief and to the Secretary of State.

Constituted district

9317. 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 12. Ultimate Boundaries of District

Recommendations re ultimate boundaries

9318. At any time prior to the inclusion of additional lands into a district, the board of directors may submit a recommendation and map to the county boundary commission of each county in which any portion of the recommended area lies and to the chief of the division showing the ultimate boundaries to which the original district should logically expand.

Hearing.

9319. The county boundary commission and the chief shall consider the recommended area of expansion and shall hold a public hearing. Notice of such hearing together with a description of the recommended ultimate boundaries shall be published at least once in a newspaper of general circulation within the district and the recommended area of expansion, and notice with respect thereto shall be sent to each landowner within the recommended ultimate boundaries by mail at least 10 days prior to the date set for such hearing.

Factors considered

9320. In considering the recommended area of expansion 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, and may consider any factors that it may regard inimical to public interest.

Report

9321. The county boundary commission and the chief shall file their reports and recommendations on the area of expansion with the board of directors of the district.

Hearing

9322. The chief shall, concurrently with the consideration by the county boundary commission, hold a separate public hearing with respect to the recommended area of expansion, particularly with reference to the location of boundaries and practicability and feasibility of effecting the soil conservation program of the district in the area of expansion. Notice of such hearing shall be sent, either by the board of directors of the district or the county boundary commission, to each landowner within the recommended ultimate boundaries by registered mail at least 10 days prior to the date set for such hearing. The chief shall file a report on such hearing with the board of directors as soon as practicable and shall furnish a copy to the county boundary commission of each county in which any portion of the recommended area lies.

Notice

Effect of approval

9323. Upon approval of the recommended ultimate boundaries to which the district should logically expand, or concurrence on the ultimate district boundaries, by the county boundary commission, and the chief, requests for the inclusion of additional lands, within the ultimate boundaries may be submitted to the board of directors of the district. The approval of, or concurrence in, the recommended ultimate boundaries by the county boundary commission and the chief shall be completely without legal or other effect, except that if one or more landowners within the recommended ultimate boundaries of the district, whether contiguous or noncontiguous, request the inclusion of land owned by them, the board shall without a hearing determine if the inclusion of such land is for the best interest of the district, and if so, include the land without other proceedings.

Article 13. Exclusion of Land

Exclusion

9330. Territory which becomes subdivided, which territory is a part of a district, may, when a final map or record of survey map thereof has been recorded or filed in full compliance with the Subdivision Map Act with the county in which such territory is located, be excluded from the district by joint action of the district board and of the board of supervisors of the principal county of the district.

Article 14. Dissolution

Dissolution

9335. A district may be dissolved by the board of supervisors of the principal county as provided in this article.

Petition

9336. 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

9337. 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

9338. 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

9339. 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

9340. 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 chief

9341. The board shall transmit to the chief a notice of the receipt of the petition and a copy of the notice of hearing on the petition. The chief shall advise the board as to the judgment of the chief regarding the proposed dissolution.

Hearing

9342. 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 chief.

Petition denial

9343. If the board denies the petition its action is final.

Dissolution election

9344. 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

9345. Any landowner of the district may vote at an election under this article after first having executed and submitted the affidavit provided for in Section 9203.

Requisite votes

9346. 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

9347. 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

9348. 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

9349. 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

9350. 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

9360. 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

9361. 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

9362. 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

9363. Assessments levied pursuant to this article shall be known as regular assessments.

Valuation

9364. 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

9365. 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; provided, however, that no single assessment levied hereunder against any single municipal or public utility landowner shall be in excess of ten dollars ($10) in any year.

Rate

9366. 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

9367. 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

9368. The assessment shall be computed and entered on the assessment roll by the auditor.

Incorporated provisions

9369. 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

9370. 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

9371. 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 conserva-

tion 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 July 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 fiscal 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 situated 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.

Incompletion within two years

9501.1. If the consolidation is not completed within two years from the date of the first submission of the proposal to a board of directors, no further action may be taken on the proposal and the proposal shall be deemed invalid; except, that where it reasonably appears to him that the proposal will be acted upon, the chief from time to time may either on his own motion or on request of any interested party extend, for periods not to exceed one year in all, the time within which action may be taken on the proposal.

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 chief.

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 landowners of the districts proposed to be consolidated the question whether or not the districts shall be consolidated. Before casting a ballot every landowner must execute and submit an affidavit that he is at the time of the election an owner of lands within at least one of the districts proposed to 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 chief 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. PARTITION OF DISTRICTS

Partitioning

9540. When a petition for a partition 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 receipt of the petition, together with proposed partition lines and names for each of the partitioned districts.

Resolution

9541. A copy of the resolution shall be forwarded to the board of supervisors of the principal county of the district and to the board of supervisors of each other county in which any portion of the district is situated, and to the chief.

Request to supervisors

9542. The board of supervisors first shall request the chief to investigate the proposed partition, particularly with reference to the location of boundaries and the practicability and feasibility for effecting a soil and water conservation program in each of the partitions within the provision of this division.

Investigation

9543. The chief shall make the requested investigation and report thereon as soon as practicable and a copy furnished the county boundary commission, and the district.

Submission to commission

9544. Upon receipt of the report of the chief the board of supervisors shall submit the proposed partition to the county boundary commission of each county in which any part of the district is located.

Hearing

9545. The county boundary commission shall consider the proposed partition and shall hold a public hearing with respect thereto.

Factors to consider

9546. In considering such a proposal, the county boundary commission shall compare the proposed partition boundaries with those of 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

9547. Within 30 days after the submission of each proposal to it, the county boundary commission shall make its report and recommendations with respect thereto. This report shall be filed with the board of supervisors to which the proposal was submitted and a copy furnished the district and the chief.

Time of hearing

9548. Within 30 days after receiving the report of the county boundary commission on a proposed partition, the board of supervisors shall consider the matter and set a time and place for a public hearing on the partition which shall be conducted in accordance with the procedure outlined in Article 4 of Chapter 3 of this division.

Special election

9549. Upon the making of an order granting the partition of a district, the board of supervisors of the county in which all or the greatest portion of the lands of the original district are situated, shall call a special election at which there shall be submitted to the landowners of the district the question whether or not the district shall be partitioned and for the election of the first board of directors of each of the partitioned districts. Such election to be conducted as nearly as practicable in conformity with Article 5 of Chapter 3 of this division including the requirement that before casting a vote every landowner must execute and submit an affidavit that at the time of the election he is a landowner of the district, except that the partition must be approved by a majority of the votes cast by

the landowners in each of the districts proposed to be created by the partition.

Recording resolution

9550. The board of supervisors shall cause a certified copy of the resolution declaring the district partitioned to be recorded in the office of the county recorder of each of the counties in which any portion of the partitioned districts is situated and shall file a certified copy of the resolutions with the chief and with the Secretary of State, and shall furnish a copy of the resolution to each of the boards of directors of the partitioned districts and to the original district. From and after the filing of the resolution with the Secretary of State, the partitioned districts will be deemed formed, with all the rights, privileges and powers of a district.

Taking office, oath, etc

9551. The directors elected at the partition election shall qualify by taking the oath of office. The directors so elected and qualified shall take office and organize themselves as their respective boards of directors in the manner prescribed for organization of directors of newly formed districts. Until all of the directors of each of the new districts shall have been so organized, the original district shall continue in being.

Real property

9552. Each new district shall succeed to the ownership of all real property of the original district situated within each of the new districts.

Apportionment of personal property and obligations

9553. All other property and assets of the original district shall be apportioned among the new districts in such proportion to the current assessed value of all property which is taxable for district purposes within the new district, as they bear to the total assessed value of all property which is taxable for district purposes within the original district. Any obligations of the original district shall be borne by the new districts in like proportions, unless otherwise apportioned by mutual agreement.

Winding up

9554. Within 30 days of the qualification and organization of all the boards of directors of the partitioned districts, the board of directors of the original district shall hold a final meeting to wind up the affairs of the district and all records, documents, property, funds, obligations, and other possessions of the district shall be transferred, delivered, granted, or otherwise assigned to the respective partitioned districts. At the adjournment of the final meeting, the positions of the directors of the original district shall be terminated.

CHAPTER 7. 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 Chief of the Division of Soil Conservation, 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 8. 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.

Investigation by chief

9702. The board of supervisors shall first request the chief 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 chief shall make the requested investigation and report to the board of supervisors thereon as soon as practicable.

Submission to commission

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.

Consideration

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 chief.

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 chief. A copy of the board of supervisors' determination shall be sent to the county boundary commission and the chief.

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 chief 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.

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 chief 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 9. 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, ex-

penditures 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.

Chapter 10. Improvement Districts in Soil Conservation Districts

Article 1. Formation

Improvement districts

9850. For purposes of cooperating with the United States under provisions of the Watershed Protection and Flood Prevention Act (Chapter 656, Public Law 566, 83d Cong., 2d Session), and all acts amendatory thereof or supplementary thereto, lands which need not be contiguous may be formed into an improvement district for constructing, both in or for the improvement district, one or more of the following:

(a) Flood prevention improvements, including structural and land-treatment measures.

(b) Improvements for the agricultural phases of conservation, development, utilization, drainage disposal, and distribution of water.

Definitions

9851. As used in connection with improvement districts:

(a) "Improvement" includes operation, maintenance, change, and acquisition of existing works, and the construction, operation, and maintenance of new works.

(b) "Construction" includes, but is not limited to, the preparation and execution of plans, maintenance and operation.

(c) "Real property" means land only.

(d) "Owner of real property" means "owner of land".

(e) "Improvement district" means a soil conservation district improvement district formed pursuant to this chapter.

(f) "Land" means land within the improvement district or proposed improvement district.

Petition

9852. The formation of an improvement district shall be proposed and the petition therefor shall be signed by two-thirds or more in number of the owners of real property in the proposed improvement district.

Contents

9853. A petition for the formation of an improvement district shall contain all of the following:

(a) Statement of the plans of the proposed improvement.

(b) Description of the land of the proposed improvement district.

(c) Names of the owners of all real property within the proposed improvement district with their last known addresses.

(d) Description and assessed value of the real property owned in the proposed improvement district by each owner, which shall be according to the next preceding equalized assessment roll. District owned real property in the proposed improvement district shall be described whether or not it appears on the next preceding assessment roll.

(e) Signatures of the petitioners.

Designation by number

9854. The petition, all proceedings in reference to it, the improvement district, and the real property in it shall be designated by a number.

Separate instruments

9855. The petition may consist of any number of separate instruments, which shall be duplicates except as to signatures.

Filing with secretary

9856 A petition to form an improvement district shall be filed with the secretary of the district and may be inspected by all persons interested.

Survey

9857. Upon receipt of a petition to form an improvement district the directors shall cause a survey to be made of the proposed improvements, if any.

Plans, cost estimates, etc

9858. If the survey shows that the improvements are feasible, the directors shall cause to be prepared the following:

(a) Plans and specifications of the improvements proposed to be constructed when the petition proposes the construction of improvements.

(b) An estimate of the cost of the proposed improvements, which may include an amount not in excess of 10 percent of the aggregate cost of the proposed improvements to create a reserve fund to be used and applied as additional security for the payment of principal of and interest on any warrants of the improvement district issued against assessments levied for the payment of the cost of the proposed improvements.

(c) Statement of the proposed assessment for the cost of the proposed improvements apportioned to each parcel of real

property in the proposed improvement district as the parcels appear on the last equalized assessment roll and to district owned real property in the proposed improvement district whether or not it appears on the last equalized assessment roll, which assessments shall be apportioned in accordance with the assessed value of the real property, as such value is shown on the next preceding equalized assessment roll.

Filing with secretary

9859. If there are any, the plans and specifications, estimate of cost, and the statement of the proposed assessment shall be filed with the secretary of the district and may be inspected by all persons interested.

Notice of hearing

9860. After the filing of the formation petition, and if any, the plans and specifications, the estimate of cost, and statement of the proposed assessment, the directors shall give notice of a hearing upon the petition, and if a special assessment is to be levied in the improvement district pursuant to this chapter, the notice shall also state that the hearing is called to determine whether or not the special assessment should be levied.

Same

9861. Notice of the hearing shall be given by all of the following:

(a) Posting a notice in three public places within the proposed improvement district.

(b) Publication of the notice once a week for two weeks in a newspaper published in the principal county of the district.

(c) Mailing a copy of the notice to the last known address of all of the owners of real property in the proposed improvement district to the addresses appearing in the petition.

The notices shall be posted and mailed not less than 20 days prior to the date set for the hearing.

Hearing

9862. At the hearing the directors shall hear any objections coming before it to any of the following:

(a) The petition.

(b) The formation of the improvement district.

(c) The real property to be included within the improvement district.

(d) The plans and specifications.

(e) The estimate of cost.

(f) The proposed assessment.

(g) The apportionment of the assessment.

Action

9863. At the hearing the directors shall make any changes in reference to the matters set forth in Section 9862 as they consider proper. The directors may exclude any part of the real property described in the petition from the proposed improvement district and may include additional real property.

Inclusion of additional territory

9864. If any additional real property is included in the proposed improvement district, the hearing shall be continued and the owners of the added real property given personal notice of not less than 20 days of the addition of the land to the improvement district.

Terms and conditions

9865. The directors may include in the plans and specifications such terms and conditions as to the respective parcels of real property in the improvement district with respect to tolls, charges, assessments, or the conservation or use of soil and water or any other matters as the directors deem necessary or proper.

Denial of petition

9866. Regardless of any findings made by the directors if more than one-third in number of the holders of title to the real property within a proposed improvement district object at the hearing to its formation or the levy of the proposed assessment, the directors shall deny the petition, and no further proceeding shall be had on it.

Dismissal of proceedings

9867. If at the hearing the directors find that it would not be for the best interests of the district and the proposed improvement district to form the improvement district the directors shall order the proceedings dismissed without prejudice to their renewal.

Petition approval

Final order

9868. If the directors find that it would be for the best interests of the district and the proposed improvement district to form the improvement district, they shall make and enter in their minutes a final order:

(a) Approving the petition.

(b) Forming the improvement district.

(c) Levying the assessment if any is provided for and if the assessment is necessary.

(d) Apportioning the assessment, if levied, to the real property in the improvement district according to assessed value as shown on the next preceding equalized assessment roll.

Description of land

9869. The order shall contain a description of the lands within the improvement district.

Certified copy

9870. The secretary shall cause a certified copy of the order creating the improvement district to be recorded in the office of the county recorder in each county in which any land of the improvement district is situated.

Article 2. Assessments

Assessment levy

9875. Any assessment levied pursuant to Section 9868 shall include both of the following sums:

(a) An amount equal to interest on any deferred payments at a rate not exceeding 7 percent each year.

(b) An amount equal to 10 percent more than all other sums to be raised by the assessment, in order to provide for anticipated delinquencies.

9876. The assessment may be made payable in not more than 10 annual installments.

Annual report of installments due

9877. The directors, on or before the fifteenth day of August of each year, shall furnish the auditor and board of supervisors of each county in which any portion of the improvement lies a statement in writing of the amounts of the installments of the improvement district assessment, if any, due for the next

ensuing fiscal year in respect of each parcel of real property within the improvement district.

Collection of installments

9878. Each annual installment of the improvement district assessments shall be collected by county officers in the same manner and at the same times as county taxes.

Law applicable

9879. The provision of law relating to the 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 a part of this chapter. Said officers are liable on their several official bonds for the faithful discharge of their duties under this chapter.

Financial adjustments

9880. 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 improvement district and in their possession.

Lien

9881. The assessment and each installment of it shall be and remain a lien on the real property in the improvement district in the same manner as and in addition to the annual assessment of the district.

Change or resubdivision

9882. Upon a change or resubdivision of any parcel of real property in an improvement district, the directors upon their own initiative or upon a petition of the owner of the parcel so changed or resubdivided, may reapportion the improvement district assessment upon the parcel, and the order of reapportionment shall be recorded in the same manner as the order levying the original assessment.

Reducing assessment

9883. If the actual cost of the improvements is substantially less than the estimated cost the assessment may be reduced proportionately on each parcel by recomputing it based on actual costs with the percentage and interest provided for in Section 9875 added thereto. The reapportionment or a statement that the assessment on each parcel has been reduced by a designated percentage shall be recorded in the same manner as the order levying the original assessment.

Installments of assessments levied on district owned real property becoming due while the real property is still owned by the district shall be paid by the district. Conveyance of such real property into private ownership shall not release the lien thereon of the assessment and the unpaid installments of it.

Supplemental levies

9884. If the assessments levied upon real property in an improvement district are insufficient to pay the cost of improvements or the warrants issued for the improvements, a supplemental assessment shall be levied upon all of the real property in the improvement district sufficient to pay the cost or the warrants.

Procedure

9885. The procedure followed in making the supplemental levy shall be substantially the same as for making the original levy, except that no petition is required.

Additional assessments

9886. Whenever it is desired to do additional work or acquire additional property in or for an improvement district,

upon the petition of two-thirds in number of the owners of real property in the improvement district, an additional assessment may be levied substantially in the same manner as the original assessment.

Article 3. Inclusion of Land

Inclusion of land

9890. If at any time it is desired to include additional real property within an improvement district, a petition for inclusion signed by the owners of real property to be included may be filed with the directors.

Petition

9891. The inclusion petition shall describe the boundaries of the improvement district as enlarged by the proposed inclusions and give the names and addresses of the owners of the additional real property in substantially the same manner as in the original petition for forming an improvement district.

Proceedings

9892. The same proceedings shall be had on the improvement district inclusion petition as upon the original petition for the formation of an improvement district.

Conditions

9893. The directors may prescribe any conditions upon the inclusion of the real property that they deem just.

Approval of conditions

9894. If any conditions not contained in the petition for inclusion are prescribed by the directors the real property shall not be included until two-thirds in number of the petitioners approve the conditions in writing.

Article 4. Improvement District Management

Improvement district management

9900. In a district containing an improvement district the directors and all of the officers of the district each respectively has all the rights, powers, and privileges as to the improvement district, its real property, and the proceedings in relation to the improvement district that each respectively has for the district of which the improvement district is a part including the right of the district to acquire, own, and hold property.

Property

9901. The directors may also hold property used or acquired in connection with the improvement in the name of the directors and their successors in office as trustees for the improvement district.

Carrying water

9902. The directors of a district in which an improvement district exists may allow on terms that may be agreed upon any person to carry water through any conduit for the improvement of which the improvement district was formed and may cancel the right in the event that payments are not made in accordance with the agreed terms.

Performance of work of improvement

9903. The work of improvement provided for in this chapter and the purchase of all supplies, material, and equipment therefor shall be performed by the district, or in the discretion of the directors contracts may be made for the work and

material after notice calling for bids, as prescribed by the directors.

Charges

9904. The directors may, in lieu in whole or in part of levying assessments for the operation of improvement district works, fix and collect reasonable charges for the use of water or for any other service furnished by means of the improvement district works.

Tolls, etc

9905. All such tolls, connections charges, and additional assessments shall be held and applied upon and reduce the last installment or installments of the improvement district assessment.

Maintenance, etc., of works

9906. The directors may provide for the maintenance and operation of the works of an improvement district from the funds of the soil conservation district in lieu of levying further improvement district assessments for such purposes.

Facilities use charge

9907. Notwithstanding any other provision of this code, the directors of a district in which an improvement district exists may establish facilities use charges for the use of the facilities in such improvement district and, in establishing such charges, may provide that water shall be furnished or delivered through such facilities only to lands and real property in such improvement district in respect of which such facilities use charges or annual installments thereof, fixed as provided in this section, shall have been paid in advance. Such facilities use charges shall be in amounts equal to the respective amounts of the assessments theretofore levied against the real property in such improvement district for the purpose of providing such facilities. In establishing such charges the directors shall provide (a) that payment in full of any such assessment shall constitute payment in advance in full of such facilities use charge; (b) that all facilities use charges not so paid in advance in full shall be payable in annual installments, each such annual installment to be equal in amount to (i) the annual installment of the unpaid assessment theretofore levied against the real property in respect of which such charge is payable and due on or before the next succeeding November 20th plus interest thereon at the rate provided in the order levying such assessment plus 10 percent in addition (added for anticipated delinquencies), plus (ii) all delinquent annual installments, if any, of such unpaid assessment together with penalties and interest at said rate on such delinquent installments; and (c) that payment of any annual installment of any such facilities use charge shall constitute payment in full of the annual installment of such unpaid assessment due on or before the next succeeding November 20th and of all delinquent annual installments, if any, of such unpaid assessment.

Powers and duties:

9908. On behalf of an improvement district the directors may do any or all acts necessary or desirable to carry out the

purposes of the improvement district, including, but not limited to any or all of the following:

Lands, easements, etc

(a) Acquire without cost to the United States such land, easements, or rights of way as will be needed in connection with improvements installed or constructed with the financial assistance of the United States;

Improvements

(b) Assume such share of the cost of installing or constructing any improvements involving the financial assistance of the United States as are equitable in consideration of the anticipated benefits from such improvements;

Operation, etc, costs

(c) Defray the costs of operation and maintenance of such works of improvement in accordance with such terms as may be agreed upon;

Water rights

(d) Acquire, or provide assurance that the district, the improvement district, or the owners of real property have acquired, such water rights as may be needed in the installation and operation of the work of improvement;

Soil conservation measures

(e) Obtain agreements to carry out soil conservation measures and proper farm plans from owners of real property in connection with such a work of improvement.

Cooperation with other agencies

9909. On behalf of an improvement district, the directors may cooperate and contract with the United States, or with any officer, department, bureau, or agency thereof, to accomplish any of the purposes of the improvement district, or to exercise any of the powers of the directors in relation to such improvement districts.

Article 5. Improvement District Warrants

Warrants

9915. A district may issue improvement district warrants signed by its president and secretary in face amount not exceeding in the aggregate the cost of the improvements exclusive of interest and amounts paid prior to the issuance of these warrants on the assessment levied to pay for the improvement.

Same

9916. Improvement district warrants shall be made payable in amounts and at the times corresponding substantially to the amounts and times of payment of the installments of the improvement district assessment.

Interest

9917. Improvement district warrants shall bear interest at the rate fixed at the time of the levy of the improvement district assessment, and the interest may be made payable semiannually.

Coupons

9918. Coupons for the interest on these warrants may be attached to them.

Persons payable to

9919. Improvement district warrants may be made payable to any of the following:

(a) Bearer.

(b) Persons furnishing work, labor, or material.

(c) The contractor if the work of improvement is to be done under contract.

Sale of warrants

9920. Improvement district warrants may be sold by the district for not less than par at either public or private sale.

Surplus funds

9921. Any surplus funds and any money held by a district in a sinking or depreciation fund may in the discretion of its directors be invested in the warrants of any improvement district within the district.

Cost of construction, etc

9922. Except as otherwise provided by law, the cost of constructing, acquiring, or improving works of an improvement district shall be paid only out of the proceeds of an improvement district assessment levied upon and collected from the real property in the improvement district for such purposes.

Payment of warrants

9923. Improvement district warrants shall be paid only out of the proceeds of an improvement district assessment levied upon and collected from the real property within the improvement district for improvement purposes.

Use of warrants

9924. Improvement district warrants or their proceeds shall be used solely for making the improvements for which the improvement district was formed and the necessary incidental expenses.

Article 6. Advance Payment of Assessments

Advance payment of warrants

9930. At any time before improvement district warrants are issued, the amount of any improvement district assessment on any real property, exclusive of interest and the 10 percent added for anticipated delinquencies, may be paid in money to the treasurer of the principal county of the district.

Assessments on which real property liable

9931 Real property on which the amount of the improvement district assessment has been paid pursuant to Section 9930 shall not be subject to the annual installments of the assessments levied for the purposes of the improvement, but it shall be and remain liable for any assessments levied for operation and for any supplemental or additional improvement district assessments levied.

Lessening, etc., of lien

9932. Any owner of real property of an improvement district who desires at any time to lessen or remove the lien upon his real property of any improvement district assessment may deliver to the treasurer of the principal county for cancellation warrants payable out of the assessment.

Maturities of warrants

9933. The directors may require warrants delivered to lessen or remove an improvement district assessment lien to be substantially of the average maturities of the issue of warrants.

Notice, cancellation, etc

9934. The treasurer of the principal county shall notify the directors of the amount of the principal and interest due and to become due on the warrants delivered for cancellation. The directors shall thereupon cause the proper cancellation and proper record and credit to be made against the improvement district assessment on the real property of the person delivering the warrants.

Article 7. Actions and Proceedings

Directors' acts, etc conclusive

9940. All acts, proceedings, conclusions, and findings of fact, including the levy of an assessment, by the directors of a district concerning an improvement district therein shall be conclusive except in an action or proceeding instituted within six months after the acts, proceedings, conclusions, or findings were had or made.

Exception

Action to determine validity

9941. The directors of a district in which an improvement district is located may, at any time after the levy of any assessment or the issuance of any warrants for the improvement district, bring an action to determine the validity of the assessment or the issuance of the warrants in the same manner and with the same effect as provided for the determination of the validity of bonds and assessments of irrigation districts.

Validity of acts or proceedings

9942. No irregularity or omission not affecting the substantial rights of the owners of real property within an improvement district shall affect the validity of any act done or proceeding taken in relation to the improvement district.

Article 8. Dissolution of Improvement Districts

Dissolution of improvement district

9950. At any time prior to the incurrring of any indebtedness or upon the full payment of all indebtedness of an improvement district, a petition, signed and acknowledged by not less than the number of owners of real property constituting the improvement district required to sign a petition to form the improvement district, may be filed with the directors requesting that the improvement district be dissolved.

Petition

Hearing

9951. A hearing on dissolution shall be had in the same manner and after the same notice as is required for the formation of an improvement district.

Order

9952. The directors may, after the hearing, order the improvement district dissolved.

Recording order

9953 The order of dissolution shall be recorded in the same manner as the order forming the improvement district.

CHAPTER 1681

An act to add Section 103.1 to, and to amend Sections 103, 116, 118.2, 119.5, 119.6, 1508, 1511.5, 1550, 1552.2, 1553, 1556, 1556.5, 1559, 1560, 1621, 2010, 2140, 2180, 2186, 2186.1, 2301, 2354, 3075, 3084, 3087, and 3087.3 to, the Welfare and Institutions Code, relating to administrative procedure.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 103.1 is added to the Welfare and Institutions Code, to read:

State Social Welfare Board Exclusive power

103.1. Notwithstanding any other provision of this code, the State Social Welfare Board is the only body within the

Department of Social Welfare that is authorized to adopt rules, regulations, orders, or standards of general application which are adopted to implement, interpret, or make specific the law enforced by the department, and such rules, regulations, orders, and standards shall be adopted, amended, or repealed by the State Social Welfare Board only in accordance with the provisions of Chapter 4, Part 1, Division 3, Title 2 of the Government Code, except that such regulations need not be printed in the California Administrative Code or California Administrative Register if they are included in the publications of the Department of Social Welfare.

The rules of the State Social Welfare Board need not specify or include the detail of forms, reports or records but shall include the essential authority by which any person, agency, organization, association or institution subject to the supervision or investigation of the department is required to use, submit or maintain such forms, reports or records.

SEC. 2. Section 103 of said code is amended to read:

Powers and duties

103. The Social Welfare Board hereby established shall advise the director in the performance of his duties and, by regulation, formulate general policies affecting the purposes, responsibilities, and jurisdiction under this chapter. The board shall have the power and it shall be its duty to adopt repeal and amend such rules and regulations which are consistent with law and reasonably necessary for the administration of welfare. Except as otherwise provided by law, the board shall, by regulation, establish minimum standards of public assistance not in conflict with law for all relief purposes for which state grants-in-aid are made to the counties. The board shall have no administrative or executive functions other than those set forth in this code.

SEC. 3. Section 116 of said code is amended to read:

116. In order to secure accuracy, uniformity, and completeness in such statistics and information, the board, by regulation, may prescribe forms of report and records to be kept by all persons, associations, or institutions subject to investigation or supervision by the department, and each such person, association, or institution shall keep such records and render such reports in conformity with the forms so prescribed.

SEC. 5. Section 118.2 of said code is amended to read:

Warrants

118.2. Notwithstanding any provisions of Sections 29800 and 29805 of the Government Code, warrants payable to recipients of old age security, aid to the needy blind, aid to partially self-supporting blind residents, or aid to needy children shall not include any word or abbreviation indicative of aid, assistance, charity, needy, support, or welfare. Nothing in this section prohibits the use of code numbers or other code symbols used and understood by county officers and agencies to identify the purpose and liability for which such warrants are drawn, if such code numbers or other code symbols are not generally so understood by the public.

The State Board of Social Welfare may make such rules and regulations concerning the contents of such warrants as may be necessary to carry out the provisions of this section.

SEC. 6. Section 119.5 of said code is amended to read:

Personnel standards

119.5. For the purposes of the administration of aid to needy children under Chapter 1 of Part 2 of Division 2 and aid to the aged under Chapter 1 of Division 3, the State Board of Social Welfare shall establish and maintain personnel standards on a merit basis (including therein standards of qualifications, competency, education, experience, tenure and compensation) necessary for the proper and efficient administration of the cited portions of this code which standards shall be applicable to the counties, as agents of the State for the purposes of administering state and federal funds provided for assistance under the cited portions of this code, in employing personnel for such purposes.

In the exercise of its functions under this section, the State Board of Social Welfare shall exercise no authority with respect to the selection, tenure of office and compensation of any individual if he is employed in accordance with such standards.

Nothing in this section shall prevent any county from establishing its own merit system and determining thereunder the personnel standards to be applicable to its employees, but as to those employees engaged in the administration of state and federal funds granted to a county as agent of the State for the cited portions of this code, the State Department of Social Welfare shall have a supervisory power to insure compliance with the personnel standards established to the end that this State shall at all times conform to the requirements of federal law for the continued receipt of federal grants-in-aid.

SEC. 7. Section 119.6 of said code is amended to read:

119.6. For the purposes of the administration of aid to the blind under Chapter 1 of Part 1 of Division 5 of this code, the State Board of Social Welfare shall establish and maintain personnel standards on a merit basis (including therein standards of qualifications, competency, education, experience, tenure and compensation) necessary for the proper and efficient administration of the cited chapter of this code which standards shall be applicable to the counties, as agents of the State for the purposes of administering state and federal funds provided for assistance under the cited chapter of this code, in employing personnel for such purposes.

In the exercise of its functions under this section, the State Board of Social Welfare shall exercise no authority with respect to the selection, tenure of office and compensation of any individual if he is employed in accordance with such standards.

Nothing in this section shall prevent any county from establishing its own merit system and determining thereunder the personnel standards to be applicable to its employees, but as to those employees engaged in the administration of state and federal funds granted to a county as agent of the State, the State Department of Social Welfare shall have a supervisory

power to insure compliance with the personnel standards established to the end that this State shall at all times conform to the requirements of federal law for the continued receipt of federal grants-in-aid.

SEC. 8. Section 1508 of said code is amended to read:

Income of stepfather

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 State Board of Social Welfare.

Support by stepfather

Notwithstanding the provisions of Section 209 of the Civil Code a stepfather is bound to support, if able to do so, his wife's children if without support from such stepfather they would be needy children eligible for aid under this chapter. However, such liability for support shall not exceed the wife's community property interest in his income.

A natural father is not relieved of any legal obligation to support his children by the liability for their support imposed upon their stepfather by this section.

SEC. 9. Section 1511.5 of said code is amended to read:

Minimum standards

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 Board of Social Welfare, to insure:

(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. 10. Section 1550 of said code is amended to read:

Application for aid

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 prescribed by regulations of the State Board of Social Welfare and report facts secured by such investigation on forms prescribed by such board. The county shall approve or deny such application. The investigation for eligibility shall be completed promptly, without any unnecessary delay, and with all diligence after receipt of an application with the objective that payment is made to all eligible persons within the minimum possible length of time.

If the applicant is determined to be eligible the aid shall be granted from the first day of the month in which the determination is made that he is eligible, but aid shall not begin prior to the date of application unless an earlier date is required by Section 104.1.

Continuation of investigation

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 following the month in which the sixtieth day falls.

Every application for and in behalf of any child shall be verified under oath, or shall contain a written declaration that it is made under the penalties of perjury. Any person signing any application containing such declaration who wilfully states therein as true any material matter which he knows to be false is subject to the penalties prescribed for perjury in the Penal Code of this State.

Penalty

SEC. 11. Section 1552.2 of said code is amended to read:

Payment in kind

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 Board of Social Welfare shall make 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 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.

SEC. 12. Section 1553 of said code is amended to read:

Payment of federal moneys to counties

1553. During such time as grants in aid are made available by the United States Government for aid to dependent children in this State, and accepted by this State, the State Treasurer, shall, from the sums so granted, pay to each county (a) an amount which shall be used exclusively as aid to dependent children, equal to that proportion specified by the United States Government in so granting or making the sums available, not counting so much of such expenditure with respect to any child for any month as exceeds the maximum fixed by the United States Government in granting or making such sums available, and (b) an additional amount equal to such county's proportionate share of any amount so granted or made available to this State by the United States Government for the costs of administering such aid, which additional amount shall be used exclusively for paying such administration costs. The State Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties. The State Board of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties.

SEC. 13. Section 1556 of said code is amended to read:

Reports of aid paid out

1556. Reports of aid paid out under this chapter to needy children maintained in homes other than boarding homes, as defined by the rules and regulations of the State Board of Social Welfare, and institutions, shall be presented by the respective counties at times and in the form prescribed by the State Board of Social Welfare. Such reports shall be audited by the State Department of Social Welfare and the State Controller and, when and in the amount approved, shall be allowed to said county as a credit to apply against advances made under subdivision (a) of Section 1555.

SEC. 14. Section 1556.5 of said code is amended to read:

County claims

1556.5. County claims for aid to needy children placed in boarding homes, as defined by the rules and regulations of the State Board of Social Welfare, and institutions shall be filed separately and distinct from other claims and shall be filed for aid furnished by the county at times and in the manner prescribed by the State Board of Social Welfare. Payments for such children may be made subsequent to the furnishing of care and support to needy children in boarding homes and institutions and may be made at the end of each month for amounts granted to such boarding homes and institutions providing care

and support for the needy children maintained therein during the month.

SEC. 15. Section 1559 of said code is amended to read:

Presentation, audit and payment of claims

1559. Claims for aid to needy children in institutions, eligible under the provisions of this chapter to receive aid, and the county claims provided for in Section 1556.5 of this code for aid to needy children placed in boarding homes, as defined by the rules and regulations of the State Board of Social Welfare, and institutions, shall be presented by the institutions and counties at times and in the form prescribed by the State Board of Social Welfare. Such claims shall be audited by the State Department of Social Welfare and the State Controller. When and in the amount approved, the State Controller shall draw the necessary warrant for the amount allowed in favor of the institution or the county, and the State Treasurer, on presentation, shall pay the same from the sums appropriated in Section 1510. No money appropriated by the State to any institution claiming aid under this chapter shall be expended either in improvements or in the erection of any buildings by such institution.

SEC. 16. Section 1560 of said code is amended to read:

Rules and regulations

1560. The State Board of Social Welfare shall: (a) make rules and regulations for the proper maintenance and care of needy children; (b) make rules and regulations for the administration of aid to needy children. Such rules and regulations shall be binding upon the institutions and counties.

The department may inquire at any time into the management of any institution receiving aid under the provisions of this chapter or into the management by any county of aid to needy children.

Noncompliance with rules and regulations

If compliance by an institution or county with the provisions of this chapter and the rules and regulations of the State Board of Social Welfare cannot be enforced in any other manner, the institution or county refusing to comply with such provisions, rules, and regulations, or to permit the inquiry provided for in this section, shall not thereafter receive aid under the provisions of this chapter until it has complied with all such provisions, rules, and regulations and has permitted the inquiry by the State Department of Social Welfare, if such inquiry is demanded.

SEC. 17. Section 1621 of said code is amended to read:

Institutions, homes, etc.

1621. The State Board of Social Welfare shall make such reasonably necessary rules and regulations as it deems best for the government of any institution or the performance of any service specified in Section 1620 of this code. The department may, by a member, or any duly authorized representative, inspect and examine any such institution, home, or place, or the performance of any such service.

SEC. 18. Section 2010 of said code is amended to read:

Political or religious opinions, etc

2010. No question, inquiry, or recommendation under the authority of this chapter or the rules of the State Board of Social Welfare shall relate to the political or religious opinions

or affiliations of any person, and no grant or denial of aid under this chapter shall be in any manner affected or influenced by such opinions or affiliations.

SEC. 20. Section 2140 of said code is amended to read:

Form of application, etc

2140. The State Board of Social Welfare may prescribe, by regulation, the form of application, the manner and form of all reports and such additional rules and regulations as are reasonably necessary for carrying out the provisions of this chapter, and not inconsistent therewith. No rule or regulation shall be adopted or continued in force the operation of which results in discrimination against practitioners of any type of therapy, treatment by prayer or spiritual means, or other treatment recognized as a branch of the healing arts in favor of the practitioners of any other branch of the healing arts. Such rules and regulations shall be binding upon the boards of supervisors of the various counties. The State Department of Social Welfare shall make such reports in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports.

No discrimination

SEC. 21. Section 2180 of said code is amended to read:

Application for aid

2180. Application for aid under this chapter shall be made to the board of supervisors of the county in which the applicant resides. An applicant shall apply in person unless he is physically unable to do so, in which event the application may be made by his authorized representative in his behalf. This application may be made in writing or reduced to writing upon the standard form prescribed by regulation of the State Board of Social Welfare, and a copy of his application shall be furnished to each applicant at the time of application. The form shall contain questions, the answers to which will provide the information necessary to establish eligibility for aid under this chapter. All statements in the application shall be verified, under oath by the applicant.

SEC. 22. Section 2186 of said code is amended to read:

Payment of federal funds to counties

2186. During such time as grants in aid are provided or made available by the United States Government for old-age assistance in this State, the State Treasurer shall pay to each county from the sums so granted (1) an amount which shall be used exclusively as old-age assistance equal to the full amount of any sums received from the United States Government as old-age assistance in respect to aged persons within the provisions of this chapter maintained or supported by the county; and (2) an additional amount equal to such county's proportionate share of any amount so granted or made available to this State by the United States Government for the costs of administering such aid, which additional amount shall be used exclusively for paying such administration costs. The State Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties, which portion for each county

shall bear the same proportion to the total amount made available to this State for such administrative costs that the administrative costs of that county bear to the total administrative costs of all counties and of the State. The State Board of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties.

SEC. 23. Section 2186.1 of said code is amended to read:

Payment of federal funds for administration

2186.1. During such times as grants in aid are provided or made available by the United States Government for the purpose of defraying any portion of the costs of administration incurred under this chapter, the State Treasurer shall pay to each county an amount equal to such county's proportionate share of the sum so granted for the cost of administration which amount shall be used exclusively for paying such administration costs. The State Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs to be paid to the counties, which portion shall be determined pursuant to rules and regulations of the State Board of Social Welfare and shall be not less than one-half of the amount so granted or made available. The State Board of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties.

Operative period

This section shall become operative and shall supersede Part 2 of Section 2186 during such times as grants by the United States Government, provided or made available to defray any portion of administration costs incurred under this chapter, are not computed as a proportion of such costs of administration. Whenever this section is in effect, all other sections referring to Section 2186 shall also be deemed to refer to Section 2186.1.

SEC. 24. Section 2301 of said code is amended to read:

Institutions, homes, etc

2301. The State Board of Social Welfare shall make such rules and regulations as it deems best for the government of any institution or for the performance of any service specified in Section 2300 of this code, and the department may, by any member or any duly authorized representative, inspect and examine any such institution, home, or place, or the performance of any such service.

SEC. 25. Section 2354 of said code is amended to read:

2354. The State Board of Social Welfare shall make such rules and regulations as it deems best for the government of any institution or organization specified in Section 2350 in order that the rights of aged persons may be protected. The department may, by any member or any duly authorized representative, inspect and examine any such institution, home, or place, books and records or the performance of any service required pursuant to the agreement.

SEC. 26. Section 3075 of said code is amended to read:

Rules and regulations

3075. The State Board of Social Welfare shall have power to make administrative rules and regulations to enforce the provisions of this chapter, which rules and regulations shall not conflict with the provisions of this chapter and shall be binding upon the boards of supervisors of the various counties. All rules and regulations pertaining to the provisions of this chapter and Chapter 3 of this part shall be promulgated and construed separate and apart from other rules and regulations made by the department.

SEC. 27. Section 3084 of said code is amended to read:

Order for aid

3084. 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.

Amount of aid

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 ($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.

Payment

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.

Change in grant

The State Board 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.

SEC. 28. Section 3087 of said code is amended to read:

Payment of federal funds to counties

3087. During such time as grants-in-aid are made available by the United States Government for aid to the needy blind in this State, the State Treasurer shall pay to each county from the sums so granted, (1) an amount which shall be used exclusively as aid to the needy blind under this chapter, equal to the full amount of any sums received from the United States Government for aid to the blind in respect to blind persons within the provisions of this chapter maintained or supported by the county; and (2) if authorized by the State Department of Social Welfare, an additional amount equal to such county's proportionate share of any amount so granted or made available to this State by the United States Govern-

ment for the costs of administering such aid, which additional amount shall be used exclusively for paying such administration costs. The Department of Social Welfare shall determine the portion of the amount so granted or made available for administration costs, to be paid to the counties, which portion for each county shall bear the same proportion to the total amount made available to this State for such administrative costs that the administrative costs of that county bear to the total administrative costs of all the counties and of the State. The Board of Social Welfare shall adopt rules and regulations which shall be of uniform application for determining the proportionate shares of the respective counties of the portion so determined to be paid to such counties.

SEC. 29. Section 3087.3 of said code is amended to read:

3087.3. Reports of aid to blind paid out under this chapter shall be presented by the respective counties at times and in the form prescribed by the State Board of Social Welfare. Such reports shall be audited by the Department of Social Welfare and the State Controller and, when and in the amount approved, shall be allowed to said county or city and county as a credit to apply against advances made under the terms of Section 3087.2. Reports of amounts paid

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CHAPTER 1682

An act to amend Sections 2020, 2025, 3084, 3084.1, 3472 and 3472.1 of, and to repeal Sections 2020.001 and 2025.1, of the Welfare and Institutions Code, relating to aid to needy persons.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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:

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, 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. Amount of aid

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 be-

yond the month in which the recipient reported the change in circumstances.

SEC. 2. Section 2025 of said code is amended to read:

Changes in federal contributions

2025. Increase or Decrease of Federal Contributions: Change in Amount of Aid: Maximum and Minimum: Legislative Intent. If, when, and during such times as the United States Government increases or decreases its contributions in assistance of the aged in this State above or below the amount being paid on May 1, 1955, or above or below the amount payable as a result of any such increase or decrease, the amount of the grant of aid provided for in this article shall be increased or decreased by an amount equal to such increase or decrease by the United States Government, but in no event shall the total aid granted under this chapter be more than ninety dollars ($90) nor less than seventy-five dollars ($75) per month. It is the intent of the Legislature that any change in contributions by the United States Government, whether increase or decrease, shall result in a corresponding change in the amount of this grant, within the limits established by this section.

It is also the intent of the Legislature that should the Federal Government require that any increase in assistance to the aged in this State granted by it after May 1, 1955 be considered necessary to meet medical or health needs of the applicant or recipient, such increase shall be considered necessary to meet such medical or health needs.

SEC. 3. Section 3084 of said code is amended to read:

Order for aid

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.

Amount of aid

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, ninety-five dollars ($95) per month. If, however, in any case it is found the actual need of an applicant exceeds ninety-five dollars ($95) per month such applicant shall be entitled to receive aid in an amount not to exceed ninety-five dollars ($95) 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.

Payment

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. Change in grant

SEC. 4. Section 3084.1 of said code is amended to read:

3084.1. If, when, and during such times as the United States Government increases or decreases its contributions in assistance of the needy blind in this State above or below the amount payable on May 1, 1955, the amount of the grant of aid provided in this chapter shall be increased or decreased by an amount equal to such increase or decrease by the United States Government, but in no event shall the total aid granted to any needy blind person under this chapter be more than one hundred dollars ($100) nor less than eighty-five dollars ($85) per month. Change in federal contributions

It is the intent of the Legislature that should the Federal Government require that any increase in assistance to the blind in this State granted by it after May 1, 1955 be considered necessary to meet medical or health needs of the applicant or recipient, such increase shall be considered necessary to meet such medical or health needs.

SEC. 5. Section 3472 of said code is amended to read:

3472. 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. The amount of aid to which any applicant shall be entitled shall be, when added to the net income of the applicant from all other sources, ninety-five dollars ($95) per month. Amount of aid

Annual net income from any of the following sources of a combined total value not exceeding one thousand dollars ($1,000) increased by one-half of that part of the recipient's annual income which is in excess of one thousand dollars ($1,000) shall not be considered for any purpose: Income not considered

(a) Income from applicant's labor or services;

(b) The value of foodstuffs produced by the applicant or his family for his use or that of his family;

(c) The value of firewood and/or water produced on the premises of the applicant or given to him by another for the applicant's use;

(d) The value of gifts;

(e) The value of the use and occupancy of premises owned and occupied by the applicant;

(f) The net income from real and personal property owned by the applicant.

Income in addition to the above specified shall be computed on the basis of net income.

SEC. 6. Section 3472.1 of said code is amended to read:

3472.1. If, when, and during such times as the amount of the grant of aid to the needy blind provided by Chapter 1 of this part is increased or decreased, pursuant to Section 3084.1, the amount of the grant of aid to partially self-supporting Changes in needy blind aid

blind residents provided by this chapter shall be increased or decreased by an amount equal to such increase or decrease in the grant of aid to needy blind persons, but in no event shall the total aid granted under this chapter to any recipient be more than one hundred dollars ($100) nor less than eighty-five dollars ($85) per month.

It is the intent of the Legislature that should the Federal Government require that any increase in assistance to the needy blind in this State granted by it after May 1, 1955 be considered necessary to meet medical or health needs of the applicant or recipient, an increase in aid to the partially self-supporting blind resulting therefrom shall be considered necessary to meet the medical or health needs of applicants or recipients.

Repeals

SEC. 7. Sections 2020.001 and 2025.1 of said code are repealed.

Operative date

SEC. 8. This act shall become operative on October 1, 1955.

CHAPTER 1683

An act to amend Sections 14.2, 15, 15.1, 15.2, 15.3, and 18 of, and to add Sections 16, 16.1 and 16.2 to, the Fish and Game Code, relating to the powers and duties of the Fish and Game Commission.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 14.2 of the Fish and Game Code is amended to read:

Meetings prescribed

14.2. In addition to any other regular or special meetings, the commission shall hold four meetings, one in January, one in February, one in April and one in May of each year. The January and February meetings shall be devoted to determining what, if any, orders should be made pursuant to this article in relation to fish, mollusks, crustaceans, amphibia and reptiles and to the making of such orders. The April and May meetings shall be devoted to determining what, if any, orders should be made pursuant to this article in relation to birds and mammals and to the making of such orders. The commission shall give notice of the time and place of the meetings by publishing a notice thereof in one newspaper of general circulation printed and published in each of the counties and cities and counties of the State, or if no newspaper of general circulation is printed and published in a county, then in a newspaper of general circulation circulated in such county, in at least one issue of such newspaper published not less than 15 days prior to the meeting and shall also publish notice of such meetings in any publication issued by the department after the determining of the time and place of such meetings and

Notice

prior to the dates thereof. Any such meetings shall be open to the public.

SEC. 2. Section 15 of said code is amended to read:

Time

15. The meetings in January and April shall be held on the first Friday after the first day of each of said months, and the meetings in February and May shall be held on the last Friday in each of said months. In even numbered years the January and April meetings shall be held in Sacramento and the February and May meetings in Los Angeles. In odd numbered years the January and April meetings shall be in Los Angeles and the February and May meetings in Sacramento. All such meetings shall be at the state buildings in said cities.

SEC. 3. Section 15.1 of said code is amended to read:

January meeting

15.1. At the meeting in January the commission shall receive recommendations from its own officers and employees, from public agencies, from organizations of private citizens, and from any interested person as to what, if any, orders should be made relating to fish, mollusks, crustaceans, amphibia and reptiles, or any species or variety thereof.

SEC. 4. Section 15.2 of said code is amended to read:

Public announcement

15.2. Not later than the fifteenth day prior to its meeting in February the commission shall publicly announce its determinations and the orders it intends to make. At the February meeting, the commission may hear and consider any objections to its determinations or proposed orders.

SEC. 5. Section 15.3 of said code is amended to read:

February meeting

15.3. At or within 10 days after the meeting in February the commission may make such orders in relation to fish, mollusks, crustaceans, amphibia, reptiles, or any species or variety thereof, as it deems necessary to preserve, properly utilize or maintain the best relative number of each species or variety.

SEC. 6. Section 16 is added to said code, to read:

April meeting

16. At the meeting in April the commission shall receive recommendations from its own officers and employees, from public agencies, from organizations of private citizens, and from any interested person as to what, if any, orders should be made relating to birds and mammals, or any species or variety thereof.

SEC. 7. Section 16.1 is added to said code, to read:

May meeting

16.1. Not later than the fifteenth day prior to its meeting in May the commission shall publicly announce its determinations and the orders it intends to make. At the May meeting the commission may hear and consider any objections to its determinations or proposed orders.

SEC. 8. Section 16.2 is added to said code, to read:

Orders

16.2. At or within 10 days after the meeting in May the commission may make such orders in relation to birds and mammals, or any species or variety thereof, as it deems necessary to preserve, properly utilize or maintain the best relative number of each species or variety.

Notice, publication, and copies

SEC. 9. Section 18 of said code is amended to read:

18. The commission may do anything that it deems necessary and proper to provide publicity to its orders to the end that persons likely to be affected thereby may be informed, but the failure of the commission to provide any notice of its orders other than by filing them with the Secretary of State shall not impair the validity of such orders. Within 45 days after the meeting in February of each year, the commission shall publish and distribute in booklet form such regulations as shall be adopted at such meeting. Within 45 days after the meeting in May of each year, the commission shall publish and distribute in booklet form such regulations as shall be adopted at such meeting.

Copies of all such publications shall be mailed to each district attorney and judge of a municipal court or justice court throughout the State.

CHAPTER 1684

An act to add Sections 4857.5 and 4858.5 to, and to amend Sections 4858 and 4859 of, the Health and Safety Code, relating to reorganization of county sanitation districts.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 4857.5 is added to the Health and Safety Code, to read:

4857.5. Whenever (a) 25 percent or more of the residents and taxpayers residing within a district so petition the board of supervisors; or (b) the board of supervisors, by resolution, determines it to be in the best interests of the district, the board of supervisors may call an election to determine whether or not the district should be reorganized as a community services district under Title 5, Division 3 of the Government Code. The proposed name of the reorganized district shall be designated in the petition or resolution.

SEC. 2. Section 4858 of said code is amended to read:

4858. The election called pursuant to Section 4857 of this code shall be held as provided in Sections 6460 to 6466, inclusive, of this code.

SEC. 3. Section 4858.5 is added to said code, to read:

4858.5. The election called pursuant to Section 4857.5 of this code shall be held as provided in Sections 60120 to 60130, inclusive, of the Government Code.

SEC. 4. Section 4859 of said code is amended to read:

4859. If the majority of the votes cast at the election are in favor of the proposed reorganization, the board of supervisors, by order entered in its minutes, shall declare the district reorganized as a sanitary district or community services

district, as the case may be. Upon the adoption of the order, the district shall be deemed reorganized as a sanitary district or community services district, as the case may be, with all of the rights, powers, duties, and obligations of said district.

Said district shall cause assessments to be made and taxes to be levied to retire any and all oustanding bonded indebtedness so that the same shall be retired in the same manner and to the same extent as though said district had continued as a county sanitation district.

CHAPTER 1685

An act to repeal Sections 3124 and 4107 of, to amend Sections 1671, 1800, 1801, 1802, 1804, 1821, 1822, 1823, 1824, 1825, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1835, 1836, 1838, 1839, 1842, 1843, 1846, 1847, 1848, 1850, 1854, 1855, 3122, 3123, 4105, 4106, 4624, 6358 and 7407 of, to amend and renumber Sections 1844 and 1845 of, to add Sections 1825.5 and 1829.5 to, to amend the chapter heading of Chapter 4, Division 2 of, and to amend the article heading of Article 2, Chapter 4, Division 2 of, the Education Code, relating to school district elections.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Sections 3124 and 4107 of the Education Code are hereby repealed. Repeals

SEC. 2. Section 1671 of said code is amended to read:

1671. The expenses of any district election called by the governing board of a school district, or required by law, shall be borne by the entire district, and shall be paid out of its funds. Expense of elections

SEC. 3. The chapter heading of Chapter 4, Division 2 of said code is amended to read:

CHAPTER 4. COMPOSITION OF ELEMENTARY SCHOOL DISTRICT GOVERNING BOARDS AND ELECTION AND APPOINTMENT OF SCHOOL DISTRICT GOVERNING BOARDS

SEC. 4. Section 1800 of said code is amended to read:

1800. As used in this chapter: Definitions

(a) "Any school district" means school districts of every kind or class.

(b) "Joint school district" means a school district situated in more than one county.

(c) "Union school district" means a school district composed of two or more school districts situated in the same county.

(d) "Joint union school district" means a school district composed of two or more school districts situated wholly or in part in different counties.

(e) "Voter" means "registered voter."

Applicability

Except as provided in any city charter or in Sections 2107, 2108, and 2205, the provisions of this chapter other than Sections 1873 and 1874 shall not apply to any school district governed by a city board of education.

SEC. 5. Section 1801 of said code is amended to read:

Board members: Qualifications

1801. Any person, regardless of sex, who is 21 years of age or older, a citizen of the State, a resident of the school district, a registered voter, and who is not disqualified by the Constitution or laws of the State from holding a civil office, is eligible to be elected or appointed a member of a governing board of a school district.

SEC. 6. Section 1802 of said code is amended to read:

Number, etc.

1802. Except as provided in this section or in Section 1803, the governing board of any elementary school district shall be composed of three members selected at large from the territory comprising the district. Whenever, in any elementary school district having a governing board of three members, the average daily attendance during the preceding fiscal year became 300 or more, the governing board of the district shall do either of the following:

(a) By its own action determine that the number of members of the governing board shall be increased to five, in which case two additional members shall be elected at the next regular governing board member election.

(b) Request the county superintendent of schools having jurisdiction to submit the question of whether the number of members of the governing board shall be increased to five to the voters of the elementary school district at the next regular governing board member election. At the same election two additional members shall be elected to take office if the number of governing board members is increased.

If, pursuant to either subdivision (a) or subdivision (b) of this section, two additional governing board members are authorized and elected, the one receiving the higher number of votes shall hold office for a term of two years from July 1st succeeding the election, and the other one shall hold office for a term of one year from July 1st succeeding the election. Thereafter the governing board shall be composed of five members elected in the same manner and for the same term as provided in this chapter for governing boards having five members.

SEC. 7. Section 1804 of said code is amended to read:

Expiration of term

1804. Any member of the governing board of any school district whose term has expired shall continue to discharge the duties of his office until his successor has qualified. The term of the successor shall begin upon the expiration of the term of his predecessor.

SEC. 8. The article heading of Article 2, Chapter 4, Division 2 of said code is amended to read:

Article 2. Election and Appointment of School District Governing Boards

SEC. 9. Section 1821 of said code is amended to read:

Interim governing board.

1821. Within 15 days after the action necessary for the formation of any elementary or union school district or any junior college district composed of more than one high school district is completed, the county superintendent of schools shall appoint an interim governing board.

Members

Within 15 days after the action necessary for the formation of any joint or joint union school district is completed, the county superintendent of schools having jurisdiction over the district shall appoint a majority of the members of an interim governing board. If the new district is in two counties, the other county superintendent shall appoint the rest of the interim governing board members within such 15-day period. If the new district is in more than two counties, the other county superintendents shall appoint the rest of the interim governing board members within such 15-day period as may be agreed upon by them. If they cannot agree within such 15-day period, the county superintendent who appointed the majority of the interim governing board members shall appoint the rest of the members.

Terms

The term of each governing board member so appointed shall expire on the July 1st following the election of the first elected governing board of the district.

SEC. 10. Section 1822 of said code is amended to read:

Failure to appoint, etc., members

1822. If a majority of the members of the interim governing board of any school district is not appointed and qualified within such 15-day period, the county superintendent of schools having the power to appoint the interim governing board, or a majority thereof, shall assume the powers and duties belonging to the governing board until a majority of the governing board is selected and qualified.

SEC. 11. Section 1823 of said code is amended to read:

Election

1823. When the action necessary for the formation of a new school district is completed prior to the first of February of any calendar year, a governing board member election shall be held on the third Friday in May of such year. When the action necessary for the formation of a new school district is completed after the first of February of any calendar year, a governing board member election shall be held on the third Friday in May of the following year.

SEC. 12. Section 1824 of said code is amended to read:

Terms

1824. The terms of the members elected at the initial election of governing board members in any new school district shall begin on July 1st next succeeding their election. If the governing board has three members, the member receiving the highest number of votes shall hold office for a term of three

years, the member receiving the next highest number of votes shall hold office for a term of two years, and the third member shall hold office for a term of one year. If the governing board has five members, the two members receiving the highest number of votes shall hold office for a term of three years, the two members receiving the next highest number of votes shall hold office for a term of two years, and the fifth member shall hold office for a term of one year.

SEC. 13. Section 1825 of said code is amended to read:

Annual elections

1825. After the initial election of governing board members in any school district, a governing board member election shall be held annually on the third Friday of May to fill the offices of members whose terms expire on July 1st next succeeding the election. Each person elected shall hold office for a term of three years from July 1st next succeeding his election.

SEC. 14. Section 1825.5 is added to said code, to read:

Consolidation of elections

1825.5. Whenever school district governing board member elections for two or more school districts of any type are required by law to be held in the same district or area on the same day the elections shall be consolidated so that a person entitled to vote in both or all of such elections may do so at the same time and place and using the same ballot.

When a consolidated election is required by this section to be held, the county superintendent of schools having jurisdiction shall, at least 120 days prior to the election, notify in writing the governing boards concerned that a consolidated election is required to be held.

SEC. 15. Section 1827 of said code is amended to read:

Notice

1827. When a governing board member election is required to be held in any school district the county superintendent of schools having jurisdiction shall cause to be posted notices of the election in three public places in the district for 60 days and publish notices of the election once a week for three successive weeks in a newspaper of general circulation published in the district. Notices shall not be posted more than 100 days before the election. The publishing shall begin no more than 100 days before the election and shall be completed at least 60 days before the election. If there is no newspaper of general circulation published in the district, notice need not be published.

When consolidated elections are required to be held in any district or area the county superintendent may consolidate the notice given in such district or area of such elections.

SEC. 16. Section 1828 of said code is amended to read:

Same

1828. If the county superintendent of schools neglects or refuses to comply with Section 1827, then at any time not later than 30 days before the third Friday of May, any three registered voters of the district may post election notices in three public places in the district. They shall also publish notices of the election once a week for two successive weeks in a newspaper of general circulation published in the district. The sec-

ond such weekly publication shall be completed not less than 15 days before the election. If there is no newspaper of general circulation published in the district, notice need not be published. The cost of posting and publishing shall be a charge against the district.

SEC. 17. Section 1829 of said code is amended to read:

Contents

1829. Any notice of any school governing board member election shall contain the following:

(a) The time, place, and purpose of the election.

(b) The number of governing board members to be elected.

(c) The location of the polls.

(d) The hours during which the polls will be kept open.

(e) The day and hour when the election returns will be canvassed by the county superintendent of schools which shall be within 24 hours after the deadline for the receipt of the absentee ballots.

(f) The place where the election returns will be canvassed.

(g) The deadline for the receipt of absentee ballots.

(h) The last day for filing declarations of candidacy with the county superintendent of schools.

(i) Where forms upon which to file declarations of candidacy may be obtained.

SEC. 18. Section 1829.5 is added to said code, to read:

Furnishing information

1829.5. Upon request by the county superintendent of schools having jurisdiction the governing board of any school district shall furnish him with any information necessary to enable him to comply with Sections 1827 and 1829.

SEC. 19 Section 1830 of said code is amended to read:

Polling places

1830. The governing board of the district shall designate polling places at one or more of the public school buildings in the district. The governing board may also designate additional polling places in the district.

When a consolidated election is required to be held in any district or area, the governing boards of the districts concerned shall agree upon the polling places.

If the governing board or boards concerned fail to designate the polling places within 100 days preceding the election, the county superintendent of schools having jurisdiction may designate them.

SEC. 20 Section 1831 of said code is amended to read:

Precincts

1831. The governing board of any school district may subdivide the district into precincts for the holding of elections, and may change and alter the precincts from time to time The board shall number the precincts consecutively and each precinct shall for the purpose of any school district election be known by the number designated. If the governing board does not subdivide the district into precincts, the entire district shall constitute one precinct.

When a consolidated election is required to be held in any district or area, the governing boards of the districts concerned shall agree upon the precincts, if any, into which the district or area is to be divided and the numbers to be given them and

shall inform the county superintendent of schools having jurisdiction of their decision.

If the governing board or boards concerned fail to designate the precincts within 100 days preceding the election, the county superintendent of schools having jurisdiction may subdivide the district or area into precincts and number them consecutively.

SEC. 21. Section 1832 of said code is amended to read:

Election officials:

1832. The governing board shall appoint, as election officials, one inspector and two judges of election for each precinct. The governing board may appoint not more than two additional judges of election for any precinct. If some or all the election officials are not present at the time for opening the polls, the registered voters present may appoint substitutes for them. The substitutes, together with any inspector or judges appointed by the governing board who are present, shall proceed to conduct the election.

When a consolidated election is required to be held in any district or area the governing boards of the districts concerned shall agree upon the persons to be appointed as election officials for the precincts in the district or area and shall inform the county superintendent of schools having judisdiction of their decision.

If any governing board fails to appoint some or all of the election officials, or if, in the case of a consolidated election the governing boards of the districts concerned fail to agree upon the election officials, within five days preceding the election, the county superintendent of schools having jurisdiction shall appoint them.

SEC. 22. Section 1833 of said code is amended to read:

Compensation

1833. Any inspector and judge of election serving at any school district election may be paid out of the funds of the district as compensation for his services as an election official such sum as the governing board may determine, not to exceed the amount paid from the county treasury to officers of the last preceding general election. In districts in which the polls are not kept open for the same number of hours as at the last general election, the maximum compensation for election officers shall be the sum bearing the same relation to the amount paid to election officers of the last preceding general election as the number of hours the polls were open at the governing board member election bears to the number of hours the polls were open in the preceding general election.

SEC. 23. Section 1835 of said code is amended to read:

Polling hours

1835. In any school district governing board member election, the polls shall be opened at the same hour and kept open at least until the same hour as were the polls at the last preceding general election, except that in elementary school districts having an average daily attendance during the preceding fiscal year of less than 500, the governing board may provide that the polls shall not be opened before 9 o'clock a.m. nor closed before 5 o'clock p.m. and shall be kept open for not

less than four consecutive hours. If in the latter case the elementary school district election is consolidated with a high school district election or a junior college district election or the elementary school district is a precinct for the purpose of holding such an election, the polling hours determined by the governing board of the elementary school district shall also be the polling hours for the high school or junior college district.

If the governing board of any elementary school district having an average daily attendance during the preceding fiscal year of less than 500 fails to designate the polling hours within 100 days preceding the election, the county superintendent of schools having jurisdiction may designate them.

SEC. 24. Section 1836 of said code is amended to read:

Qualified electors

1836. In any school district governing board member election, any resident of the district, who is a voter of the county and who is registered in a general election precinct wholly or partially within the school district at least 54 days before the election, may vote at the election.

SEC. 25. Section 1838 of said code is amended to read:

Index of registration

1838. The county superintendent of schools of each county, at the time he gives notice of any election, and in no event in less than 40 days prior to the election, shall in writing officially request the county clerk or registrar of voters of each county or city and county within which the school district is wholly or partially situated to furnish the governing board of the district with as many copies as may be requested by the governing board, not exceeding four, of the index of the registration books, as of the fifty-fourth day preceding the election, for each precinct in the county or city and county contained in whole or in part in the school district.

Upon receipt of the request, the county clerk or registrar of voters shall forward at least 20 days before the election to the clerk or secretary of the governing board the number of copies of the index requested. Copies of the index shall be supplied from any available copies in the custody of the county clerk or registrar of voters. If no copies are available, copies of the index of the registration book or any supplements thereto, shall be prepared by the county clerk or registrar of voters. The actual expense of the preparation of the index shall be a charge against the school district requiring the index. When a consolidated election is required to be held copies need be furnished to the governing board of only one of the districts concerned, which board shall be designated by the county superintendent of schools.

SEC. 26. Section 1839 of said code is amended to read:

Declaration of candidacy

1839. In any school district governing board member election the name of any registered voter shall be placed on the official ballot if such person files with the county superintendent of schools having jurisdiction not less than 30 days

prior to the election a declaration of candidacy substantially as follows:

"I, _____, do hereby declare myself as a candidate for election to the governing board of _____ district, of the county of _____; I am a registered voter; if elected I will qualify and serve to the best of my ability; and I request my name be placed on the official ballots of the district, for the election to be held May _____, 19___.

_____

Residence address: _____."

In an election held under Section 1802 to elect additional governing board members all candidates for member of the governing board shall also indicate on their declaration of candidacy whether they are candidates for the existing office or for the new offices.

Recall elections

In a recall election all candidates for member of the governing board shall also state on their declaration of candidacy that they are candidates in the recall election to succeed the incumbent (naming him) if he is recalled.

SEC. 27. Section 1842 of said code is amended to read:

Uniform ballots

1842. The county superintendent of schools having jurisdiction shall furnish a uniform ballot for elementary school district governing board member elections and no other form of ballot shall be used, except as provided in this section.

When a consolidated election is held in any district or area the county superintendent of schools shall furnish a uniform ballot to be used within that district or area. The ballot shall contain the names of all of the candidates for all of the governing board positions for which the voters in the district or area are entitled to vote at the consolidated election. No other form of ballot shall be used.

SEC. 28. Section 1843 of said code is amended to read:

Cost of election

1843. The cost of conducting any consolidated election shall be prorated among the school districts concerned.

SEC. 29. Section 1845 of said code is amended and renumbered to read:

Ballot form

1844. The form of the ballot shall be as follows:

"Official ballot provided by the superintendent of schools to be used in the governing board member election on May _____, 19___, in _____ district or districts in the County of _____."

The name of the county and school district or districts and the date of the election shall be printed or typewritten in as part of the official ballot.

Following the above there shall be listed the names of the candidates.

When a consolidated election is required to be held there shall be as many separate lists of candidates as there are school districts for which governing board members are to be elected. Each list of candidates shall be headed by the name of the school district for which the persons listed are governing board member candidates. The name of each school district shall be

printed in heavy-faced gothic type, or in capital letters, and shall be separated from the list of candidates beneath it by a line. The names of the school districts with the list of candidates for governing board member of each district following each name shall be arranged in the following order, as the case may require:

(a) First, elementary school district; second, high school district; third, junior college district, if there be one; or

(b) First, unified district; second, junior college district; or

(c) First, high school district; second, junior college district.

The names of the candidates for the office of governing board member of one district shall not be separated from each other on the ballot by the names of candidates for governing board member of another district, and the list of candidates for each district shall be separated from the other lists by two double rules, one below the list of candidates and one above the name of the district which precedes the list. Within each series or list the names of any incumbent governing board members who are candidates, followed by the names of the other candidates. The names in each group, incumbents and nonincumbents, shall be listed alphabetically. The name of each candidate shall be printed or typewritten on the ballot with a blank square after each name in which the voter may place his cross (+). Following each list of candidates, the ballot shall provide at least as many blank lines, with blank squares following, as there are members to be elected in the particular school district concerned.

Candidates for office in each school district shall be listed on the ballot as follows, whether on a separate ballot for the district or on the list for the district on a consolidated ballot:

(a) The candidates shall be placed on a single list on the ballot regardless of how many members are to be elected;

(b) In an election held under Section 1802 to elect additional governing board members, the candidates for the new offices shall be listed separately from the candidates for the existing office and shall be voted for separately;

(c) When an election to recall a governing board member is held on the third Friday in May, the candidates for the office to succeed the incumbent if he is recalled shall be listed separately from the candidates to succeed governing board members whose recall is not sought.

SEC. 30. Section 1844 of said code is amended and renumbered to read:

Candidate elected

1845. When one member of the governing board is to be elected, the candidate receiving the highest number of votes shall be elected. When two or more members are to be elected, the two or more candidates receiving the highest number of votes shall be elected. Each voter may vote for as many candidates as there are members to be elected. The ballot shall contain instructions stating the maximum number of candidates for whom each voter may vote.

SEC. 31. Section 1846 of said code is amended to read:

Roster, etc

1846. The county superintendent of schools having jurisdiction shall furnish for any school district governing board member election, in addition to the official ballots, an official roster of voters and tally lists. The heading of the roster of voters shall read: "Official roster of voters of _____ precinct of _____ school district (or districts, giving the names of all districts for which elections are being held) for the school election held on the _____ day of May, 19___." Under this heading shall be arranged two columns. The first column shall have printed as its heading: "Write your name as it appears on the great register." The second column shall have printed as its heading: "Write your residence, street and number." Any person offering to vote at the school election shall write his name in the first column of the roster of voters, and his residence in the second column.

SEC. 32. Section 1847 of said code is amended to read:

Tally list

1847. The tally list shall have printed as its heading: "An official tally list precinct of _____ of _____ school district (or districts, giving names of all districts for which elections are being held) for the school election held on _____ day of May, 19___." It shall be arranged in lines so as to give room for at least five candidates for each governing board position for each district participating in the election in that precinct. The name of the district shall be clearly indicated above the candidates for governing board of that district. It shall be vertically ruled, providing for counting the votes under a tally system. The final column shall have as its heading: "Total votes cast for each candidate." At the bottom of the page shall be provided a space for the signatures of the election officers and over these signatures shall be printed the words: "We hereby certify that this is a correct report of the election held in precinct of _____ of _____ school district (or districts, giving names of all districts for which elections are being held) on _____ of May, 19__."

SEC. 33. Section 1848 of said code is amended to read:

Envelope for returns

1848 The county superintendent of schools having jurisdiction shall furnish, in addition to the ballots and roster of voters and tally list, an envelope on which shall be printed his name and address, and in the lower left-hand corner the words: "Returns of election held in _____ precinct of _____ school district (or districts, giving names of all districts for which elections are being held), _____ county, on May __, 19__."

SEC. 34. Section 1850 of said code is amended to read:

Voting booth

1850. The county superintendent of schools having jurisdiction shall provide a private booth or room in which the voter may prepare his ballot.

SEC. 35. Section 1854 of said code is amended to read:

Canvassing votes

1854. In any school district governing board member election, the election officials shall publicly canvass the votes immediately after closing the polls, fill out the tally sheet, certify

to the correctness of the canvass made, and post conspicuously on the outside of the polling place a copy of the result of the votes cast at the polling place.

SEC. 36. Section 1855 of said code is amended to read:

Same
Certificate of election, etc

1855. The election officials shall fill in the blanks on the envelopes provided by the county superintendent of schools and shall enclose and seal in the envelopes the roster of voters and tally list and ballots cast at the election. The inspector of the election shall take possession of the returns. He shall either deliver them in person or mail them to the county superintendent of schools having jurisdiction who shall sign a receipt for the returns. At the time and place fixed in the notice of the election the county superintendent shall publicly canvass the returns. Upon completion of the canvass he shall certify to the governing board of each school district the names of those elected to the governing board of the district. In the event of a tie vote the county superintendent shall so certify to the governing board and the board shall thereupon determine the tie in accordance with Section 1826. The board shall thereupon issue certificates of election to the person or persons elected. Duplicate certificates of election shall be filed with the county superintendent of schools having jurisdiction over the district.

The county superintendent shall keep the returns on file for one year.

SEC. 37. Section 3122 of said code is amended to read:

High school boards

3122. Except as provided in this article, when any union or joint union high school district is formed, it shall be governed by a high school board selected in the manner and for the terms provided in Articles 1 and 2 of Chapter 4 of this division. Vacancies on governing boards of union or joint union high school districts shall be determined and filled, and governing board members may be recalled in the manner provided in Articles 3 and 4 of Chapter 4 of this division for elementary school district governing boards.

SEC. 38. Section 3123 of said code is amended to read:

Polling places

3123. In any election for members of the governing board of a union or joint union high school district, including recall elections, at least one polling place in each of the elementary school districts composing the high school district shall be designated; provided, that, except when a consolidated election is being conducted in which the suspended district participates, a suspended elementary school district may be combined with a contiguous elementary school district for the purposes of the election and the voters of both shall vote at the polling place designated in the active school district.

SEC. 39. Section 4105 of said code is amended to read:

Junior college board

4105. Except as provided in this article, when any junior college district composed of more than one high school district is formed, it shall be governed by a junior college board selected in the manner and for the terms provided in Articles 1 and 2 of Chapter 4 of this division. Vacancies on governing boards of junior college districts shall be determined and filled,

and governing board members may be recalled in the manner provided in Articles 3 and 4 of Chapter 4 of this division for elementary school district governing boards.

SEC. 40. Section 4106 of said code is amended to read:

Polling places

4106. In any junior college board member election including recall elections, at least one polling place in each of the elementary and unified school districts located in the junior college district shall be designated; provided, that, except when a consolidated election is being conducted in which the suspended district participates, a suspended elementary school district may be combined with a contiguous elementary school district for the purpose of the election and the voters of both shall vote at the polling place designated in the active school district.

SEC. 41. Section 4624 of said code is amended to read:

Unified school district board

4624. The governing board of any unified school district shall be selected in the manner provided in Articles 1 and 2 of Chapter 4 of this division and for the terms provided for in Section 4625.

SEC. 42. Section 6358 of said code is amended to read:

Increase or decrease of maximum tax rate

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 ordered by the governing board of the school district of its own motion and shall be ordered within 90 days after the filing with the governing board of a petition signed by not less than 10 percent of the registered voters of the district, requesting that an election be ordered, unless the petitioners request that the election be consolidated with the annual election for members of the governing board, or that the election be consolidated with the general election.

Any decrease in an increased maximum tax rate pursuant to this section shall not be in an amount which will reduce the tax rate for the district below the maximum specified in Section 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.

Election

Pursuant to the order of the governing board, the election shall be called, held, and conducted by the county superintendent of schools, in as nearly the same manner as is practicable as are elections for governing boards, except that notices of the election shall be posted at least 20 days before the election. If there is a newspaper of general circulation published in the county in which any part of the district is situated, the notice shall be published therein at least once in each calendar week for three successive calendar weeks prior to the election.

In addition, the county clerk, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district is located, shall, at least 10 days before the day fixed for the election, mail to each registered voter residing within the district, a card designating the polling place and time of the election and stating the purposes of the election. Such statement shall contain only the following: Statement

(a) The amount of the proposed decrease or increase in the maximum tax rate.

(b) A brief summary of the issues involved.

At least 60 days before the date of the election the governing board of the school district shall furnish the county clerk or registrar of voters with a list of precincts established for the election and the polling place in each such precinct, together with a copy of the statement of the purposes of the election in the form in which it is to appear on the card. The same information shall be furnished the county superintendent of schools by the governing board of the district for all maximum tax increase or decrease elections ordered by it. List of precincts, etc

The costs incurred by the county clerk or registrar of voters and the county superintendent of schools in connection with this section shall be paid out of the funds of the district. Costs

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. Ballot contents

Manner of voting

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. Effective date of new tax rate

SEC. 43. Section 7407 of said code is amended to read:

7407. If it appears that two-thirds of the votes cast on the proposition of issuing bonds of the district are in favor of Approval of bond issue

issuing the bonds, the governing board of the school district shall cause an entry of that fact to be made upon its minutes. The governing board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises. Thereupon the board of supervisors shall issue the bonds of the school district in accordance with the proceedings, payable out of the interest and sinking fund of the district, naming the district. The governing board shall certify to the county superintendent of schools the results of the election.

CHAPTER 1686

An act to add Part 10b to Division 3, Title 2 of the Government Code, to authorize the State Public Works Board to construct, improve, and operate projects, and to lease them and to fix and collect fees, rentals, and charges for the use thereof; and authorizing and regulating the issuance of interest-bearing certificates to state agencies or revenue bonds by the board, and providing for the payment of the certificates or revenue bonds and the rights of the holders thereof; and granting the right of eminent domain; and providing that no debt of the State shall be incurred in the exercise of any of the powers granted under this act.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Part 10b is added to Division 3, Title 2 of the Government Code, to read:

PART 10b. STATE BUILDING CONSTRUCTION

CHAPTER 1. GENERAL

Short title

15800. This part is known and may be cited as the "State Building Construction Act of 1955."

Prohibition

15801. No public building shall be acquired or constructed under this part, unless authorized by a separate act or appropriation enacted by the Legislature.

Definitions

15802. The following terms whenever used in this part have the meanings given in this section except where the context clearly indicates otherwise:

(a) "Board" means the State Public Works Board.

(b) "Construction" includes the extension, enlargement, repair, renovation, restoration, improvement, furnishing, and equipping of any public building.

(c) "Public building" includes any structure, building, facility, or work which a state agency is authorized to construct

and automobile parking lots, landscaping, and other facilities, including furnishings and equipment, incidental to the use of any building, and also includes the site thereof, and any easements or rights of way appurtenant thereto or necessary for its full use.

(d) "Acquire" includes purchase, condemnation, lease, and gift.

(e) "Cost of a public building" includes, but is not limited to, the cost of all real estate, properties, rights, and easements acquired, the cost of construction of public buildings and the furnishing and equipment of them, all financing charges, interest prior to, during and for a period of six months after construction, engineering, architects' and legal expenses, including the cost of plans, specifications, and surveys, estimates of cost and revenues, administrative expenses, and such other expenses as are necessary or incident to the financing of public buildings, or to determine the feasibility or practicability of any public buildings, and the condemnation of property necessary for use of, or in connection with, any public building.

(f) "Property" includes all property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of this part.

Alternative method

15803. This part provides an additional and alternative method for doing the things authorized herein and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing.

CHAPTER 2. GENERAL POWERS

Powers and duties of Department of Finance

15807. The acquisition by the board of any property is subject to the approval of the Department of Finance. The board shall contract with the Department of Finance for the maintenance and repair of all public buildings constructed, acquired, or operated by the board, when the Department of Finance elects to furnish maintenance and repair, such maintenance and repair to include the items of maintenance and repair customarily supplied or afforded to other state buildings by the Department of Finance.

Powers of board

15808. When authorized by a separate act or appropriation enacted by the Legislature, the board may acquire and construct public buildings for use by state agencies.

15809. The board may:

(a) Acquire in the name of the State of California, and use any property, and lease as lessor, with the approval of the Department of Finance, any property or any interest therein at any time acquired by it to state agencies, or in the event of default upon any certificates or bonds to other than state agencies.

(b) Construct public buildings.

(c) Contract with other state agencies for the use of real property owned by the State, upon which to construct a public building.

(d) Fix, alter, charge, and collect rentals and other charges for the use of public buildings, or for the services rendered by, the board, at reasonable rates to be determined by the board for the purpose of providing for the payment of the expenses of the board, not provided for by state appropriations or otherwise, operation of its public buildings, and the payment of the principal of and interest on its certificates or revenue bonds.

(e) Make contracts of every kind and nature, and execute all instruments necessary or convenient for the carrying on of its business.

(f) Obtain insurance against loss by fire or other hazards on public buildings, both during and after construction, and obtain insurance against loss of revenues from any cause whatsoever, for the protection of the certificate holders or bondholders.

(g) Issue certificates or revenue bonds, as provided in this part, to obtain funds to pay the cost of public buildings, secure the payment of certificates or revenue bonds and interest thereon by pledging all or part of its revenues, rentals, and receipts, and provide for the security of the certificates or revenue bonds and the rights of the holders thereof.

Certificates and revenue bonds

15809.5. The authority of the board to issue certificates and revenue bonds shall terminate on the ninety-first day after final adjournment of the 1959 Regular Session of the Legislature; provided, that the termination of the authority of the board shall not affect the validity of any certificates or revenue bonds authorized by the board prior to said date.

Acquisition and construction of public buildings

15810. In the act authorizing the acquisition and construction of public buildings pursuant to this part, the Legislature shall provide whether certificates or revenue bonds shall be issued to finance such acquisition and construction, or whether the board may elect to use either method of financing; but the board may not issue both certificates and revenue bonds to finance the acquisition and construction of public buildings authorized under this part at any one session of the Legislature.

Pledging credit or taxing power

15811. The board has no power at any time or in any manner to pledge the credit or taxing power of the State or any of its local agencies.

CHAPTER 3. CONSTRUCTION AND LEASING OF PUBLIC BUILDINGS

Plans and specifications

15815. The plans and specifications of any public building constructed pursuant to this part shall be prepared by the Division of Architecture and the board shall reimburse the division for the costs of such services from the funds available for the purpose. Any public building constructed under the provisions of this part shall be constructed in accordance with the provisions of the State Contract Act.

Revenues, rentals, etc

15816. When any public building has been acquired or constructed by the board, and the revenues, rentals, or receipts

from the operation of such public building are no longer required or pledged for the payment of principal or interest on any of the certificates or revenue bonds of the board undertaken under this part, the board shall forthwith notify the Department of Finance of that fact, and thereafter such public building shall be under the jurisdiction of, and operated and maintained by, the Department of Finance.

If at any time funds are available by law to retire any certificates or revenue bonds issued to defray the cost of any public building, such funds shall be applied to the redemption of certificates or revenue bonds secured by the rentals and revenues from said public building.

Leases

15817. Any state agency, with the approval of the Department of Finance, may lease, as lessee, any public building constructed by the board for a term not exceeding 20 years from the date of occupancy at such rentals as are determined by the board; and at any time after sufficient progress has been made on the public building to render it usable, the state agency may lease as lessee, with the approval of the Department of Finance, any portion of the public building completed or usable for a term not exceeding 20 years from the date of occupancy at such rentals as are determined by the board. Rentals under a lease shall commence upon the date of occupancy, irrespective of whether the public building, or the portion thereof leased, has been finally accepted by the Division of Architecture.

Pledge of revenues, etc

15818. The revenues, rentals, or receipts from all public buildings authorized under this part at any one session of the Legislature, after deducting the cost of maintaining such public buildings, are hereby pledged to the payment of the principal of, and interest on, the certificates or revenue bonds issued to finance the construction of all such public buildings. The certificates or revenue bonds issued to finance the public buildings authorized at one session shall be equally secured by a lien upon the revenues, rentals, or receipts pledged to secure them without priority for number, date of certificates or revenue bonds, of sale, of execution, or of delivery pursuant to this part.

CHAPTER 4. CERTIFICATES

Certificates not negotiable

15821. Certificates issued pursuant to this part are not negotiable instruments but are transferable between state agencies having jurisdiction over special or trust funds at a price mutually agreed upon by the state agencies.

Certificates Authorization, contents, etc

15822. The certificates shall be authorized by resolutions of the board, and shall bear such dates, mature at such time or times not exceeding 25 years from their respective dates, bear interest at such rate or rates agreed upon between the board and the investing agency with the approval of the Department of Finance, not exceeding 4 percent per year, payable semiannually, be in such denominations and in such form, be payable in such medium of payment and at such place or

places, and subject to such terms of redemption at such prices not exceeding 105 percent of the principal amount as the resolutions provide.

The certificates 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 certificates shall be signed, countersigned, and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said certificates shall bear an impress of the Great Seal of the State of California.

Sale of certificates

15823. The certificates shall be sold by the board at their face value to state agencies having jurisdiction over special or trust funds, without advertisement or competitive bidding. Such certificates are a legal investment for any state special or trust fund notwithstanding any provision of law limiting the investment which may be made by such special or trust fund. Payment of the purchase price may be made in accordance with mutual agreement between the state agency and the board, which agreement may provide for such payment in installments as work upon the public building or buildings progresses and funds necessary therefor are required.

Resolutions Contents

15824. Any resolutions authorizing any certificates may contain provisions which are part of the contract with the state agency as to:

(a) Pledging all or any of the revenues, rentals, or receipts of the authority from specific properties.

(b) The construction or acquisition of any public building and the duties of the board with reference thereto.

(c) The terms and provisions of the certificates.

(d) Limitations on the purposes to which the proceeds of the certificates, then or thereafter to be issued may be applied.

(e) The rate of rentals and other charges for use of the public buildings of, or for the services rendered by, the board, including limitations upon the power of the board to modify any leases or other agreements pursuant to which any rentals or other charges are payable.

(f) The setting aside of reserves or sinking funds and the regulation and disposition of them.

(g) Limitations on the issuance of additional certificates or revenue bonds.

(h) Any other agreements with the certificate holders.

Issuance of refunding certificates

15825. The board may provide, by resolution, for the issuance of refunding certificates for the purpose of refunding any certificates of the board issued pursuant to this part and then outstanding, either by voluntary exchange with the holders of the outstanding certificates, or to provide funds to redeem and retire the outstanding certificates, with accrued interest and any redemption value payable on any call date. The issuance of the refunding certificates, the maturities and other details of the certificates, the rights of the certificate holders, and the duties of the board in respect to the certificates, are governed

by the provisions of this part insofar as they are applicable. Refunding certificates may be issued by the board to refund certificates originally issued or to refund certificates of the board previously issued for refunding purposes.

Trustee

15826. The State Treasurer shall act as trustee for the board and the holders of the certificates issued under this part, and the board may authorize the trustee to act on behalf of the holders of the certificates, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the certificates such rights and remedies as may be available to the holders.

The board shall, by resolution, prescribe the duties and powers of such trustee with respect to the issuance, authentication, sale, and delivery of the certificates, and the payment of principal and interest thereof, the redemption of the certificates, and the management, exclusive of the investment or reinvestment thereof, of any sinking fund or other funds provided as security for the certificates.

Rights remedies, etc

15827. The rights and remedies conferred by this part upon or granted to certificate holders are in addition to and not in limitation of any rights and remedies lawfully granted to such certificate holders by the resolutions providing for the issuance of certificates.

If the board defaults in the payment of principal or interest on any of the certificates after such principal or interest becomes due, whether at maturity or upon call for redemption, and if such default continues for a period of 60 days, or if the board fails or refuses to comply with the provisions of this part or defaults in any agreement made with the certificate holders, the holders of 25 percent in aggregate principal amount of the certificates then outstanding by instruments filed in the Office of the County Recorder of the County of Sacramento, and acknowledged in the same manner as a deed to be recorded except as this right is limited under the provisions of any deed of trust, indenture, or other agreement, may appoint a trustee to represent the certificate holders for the purposes provided in this part. The trustee or any trustee under any deed of trust, indenture, or other agreement may, and upon written request of the holders of 25 percent in principal amount of the certificates then outstanding, or such other percentage as is specified in the deed of trust, indenture or other agreement, shall in his name:

(a) By proper proceedings and actions enforce all rights of the certificate holders, including the right to require the board to collect rates, rentals and other charges adequate to carry out any agreement as to the revenues, or the pledge of revenues or receipts of the board, to lease public buildings to state agencies or otherwise and require the board to carry out any other agreements with or for the benefit of the certificate holders, and to perform its duties under this part.

(b) Bring suit upon the certificates.

(c) By an action require the board to account as if it were the trustee of an express trust for the certificate holders.

(d) By an action enjoin any acts or things which may be unlawful or in violation of the certificate holders' rights.

(e) By notice in writing to the board declare certificates due and payable, and if all defaults are made good then with the consent of the holders of 25 percent of the principal amount of the certificates then outstanding or such other percentage as is specified in any deed of trust, indenture, or other agreement, annul the declaration that certificates are due and payable.

Receiver· Powers and duties

15828. A trustee, appointed pursuant to Section 15827, or acting under a deed of trust, indenture, or other agreement, whether or not all certificates have been declared due and payable, may have a receiver appointed. The receiver may, to the same extent that the board itself could do, enter and take possession of the public buildings of the board, or any parts thereof, the revenues, rentals, or receipts from which are applicable to the payment of the certificates in default, and operate and maintain the public buildings and collect and receive all rentals and revenues thereof arising therefrom in the same manner as the board might do. The receiver shall deposit money in a separate account and apply it in such manner as the court directs. In any action or proceeding by the trustees, the fees, counsel fees, and expenses of the trustees, and of the receiver, and all costs and disbursements allowed by the court, are a first charge on any revenues and receipts derived from the public buildings of the board, the revenues or receipts from which are or may be applicable to the payment of the certificates in default. The trustee shall have and possess all the powers necessary or appropriate for the exercise of any functions specifically set forth in this part or incident to the general representation of the certificate holders in the protection and enforcement of their rights; provided, however, that nothing in this section or any other section in this part shall authorize any trustee appointed pursuant to Section 15827, for the purpose of operating and maintaining any public buildings of the board, to sell, assign, mortgage, or otherwise dispose of, any of the assets of whatever kind and character belonging to the board.

Powers and duties of trustee

Additional rights and remedies

15829. In addition to all other rights and all other remedies the holder of certificates of the board may by an action at law enforce his rights against the board, including the right to require the board to collect fees, rentals, and other charges adequate to carry out any agreement as to fees, rentals, or other charges or income, revenue and receipts and require the board to carry out any of its covenants and agreements with the certificate holders and perform its duties under this part.

Applicability

15829.5. This chapter shall not apply to the Unemployment Compensation Disability Fund.

CHAPTER 5. REVENUE BONDS

Bonds

15830. The bonds issued to finance the construction of a public building or buildings pursuant to this part shall be special obligations of this State secured solely by the revenues, rentals, or receipts received from the operation of all public buildings authorized at any one session of the Legislature financed by such bonds.

Not a lien

No bond issued or sold pursuant to this part shall be or become a lien, charge, or liability against the State of California or against its property or funds except to the extent of the pledges expressly made by this part. Every bond issued pursuant to this part shall contain a recital on the face thereof stating that neither the payment of the principal nor any part thereof, nor any interest thereon, constitutes a debt, liability, or general obligation of the State of California other than as provided in this part. The board has no power at any time or in any manner to pledge the credit or taxing power of the State, other than as provided in this part.

Signatures

15831. All bonds issued under this part 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, are valid 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 issued under this part, if subject to call or redemption prior to maturity, shall contain a recital to that effect.

Interest rates

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 board 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 the bonds or the last preceding interest payment date, whichever is latest, 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

Bids

the State. The lowest net interest cost to the State shall be computed between the dates aforesaid according to standard bond interest tables.

Sale of bonds

15832. Upon receipt of a resolution of the board authorizing the issuance of bonds, the State Treasurer shall provide for their preparation in accordance with the resolution. The bonds authorized to be issued shall be sold by the State Treasurer to the highest bidder for cash at public sale upon sealed bids in such parcels and numbers as the State Treasurer shall be directed by the board, but the State Treasurer must reject any and all bids for said bonds, or for any of them, which shall be below 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 State 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 the State Treasurer may select. 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 one-half of one percent (0.5%) of the par value of the bonds so offered for sale, but not exceeding one hundred thousand dollars ($100,000), drawn on a bank or trust company authorized to transact 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 Public Buildings Construction Fund, 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 State 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.

Temporary or interim bonds, etc

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

15833. Due notice of the time and place of sale of all bonds shall be given by the State Treasurer by publication in one newspaper published in the City and County of San Francisco, 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 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.

Receipt as a negotiable instrument

15835. The bond or interim receipt is a negotiable instrument unless there is an express recital on its face that the bond or interim receipt is nonnegotiable.

Investment status

15836. Bonds issued pursuant to this part are a legal investment for any state special or trust fund notwithstanding any provision of law limiting the investments which may be made by such special or trust fund.

Legal opinions

15837. Whenever the board deems that it will increase the salability or the price of the bonds to obtain, prior to or after sale, a legal opinion, other than that of the Attorney General, as to the validity of the bonds, the board may authorize the State Treasurer, or the Department of Finance, or both, to obtain such a legal opinion. Payment for such legal services shall be made out of the proceeds of the sale of the bonds.

Contents of resolutions

15838. Any resolutions authorizing any bonds may contain provisions which are part of the contract with the bondholders as to:

(a) Pledging all or any of the revenues, rentals or receipts of the board from all or any public buildings.

(b) The acquisition, construction, improvement, operation, extension, enlargement, maintenance, and repair of any public buildings and the duties of the board with reference thereto.

(c) The terms and provisions of the bonds.

(d) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by the United States, may be applied.

(e) The rate of rentals and other charges for use of the public buildings of, or for the services rendered by, the board, including limitations upon the power of the board to modify any leases or other agreement pursuant to which any rentals or other charges are payable.

(f) The setting aside of reserves or sinking funds and the regulation and disposition of them.

(g) Limitations on the issuance of additional bonds or certificates.

(h) The terms and provisions of any deed of trust or indenture securing the bonds, or under which the bonds are issued.

(i) Any other agreements with the bondholders.

Deeds of trust, indentures, etc

15839. The board may enter into any deeds of trust, indentures, or other agreements with any bank or trust company,

or other person in the United States having power to enter into such agreements, including any federal agency, as security for such bonds, and may assign and pledge the revenues, rentals, or receipts of the board thereunder. The deeds of trust, indentures, or other agreements may contain such provisions as are customary in the instruments, or as the board authorizes, including but without limiting provisions as to:

(a) The acquisition, construction, improvement, operation, maintenance and repair of any public buildings, and the duties of the board with reference thereto.

(b) The application of funds and the safeguarding of funds on hand or on deposit.

(c) The rights and remedies of the trustee and the holders of the bonds, which may include restrictions upon the individual right of action of the bondholders.

(d) The terms and provisions of the bonds, or the resolutions authorizing the issuance of the bonds.

Issuance of refunding bonds

15840. The board may provide, by resolution, for the issuance of refunding bonds for the purpose of refunding any bonds of the board issued pursuant to this part and then outstanding, either by voluntary exchange with the holders of the outstanding bonds, or to provide funds to redeem and retire the outstanding bonds, with accrued interest, and any premium payable on the bond at maturity or at any call date. The issuance of the refunding bonds, the maturities and other details of the bonds, the rights of the bondholders, and the duties of the board in respect to the bonds, are governed by the foregoing provisions of this part insofar as they are applicable. Refunding bonds may be issued by the board to refund bonds originally issued, or to refund bonds of the board previously issued for refunding purposes.

Rights and remedies, etc

15841. The rights and remedies conferred by this part upon or granted to bondholders are in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolutions providing for the issuance of bonds, or by any deed of trust, indenture, or other agreement under which the bonds are issued.

If the board defaults in the payment of principal or interest on any of the bonds after the principal or interest becomes due, whether at maturity or upon call for redemption, and if such default continues for a period of 60 days, or if the board fails or refuses to comply with the provisions of this part or defaults in any agreement made with the bondholders, the holders of 25 percent in aggregate principal amount of the bonds then outstanding by instruments filed in the Office of the County Recorder of the County of Sacramento, and acknowledged in the same manner as a deed to be recorded except as this right is limited under the provisions of any deed of trust, indenture, or other agreement, may appoint a trustee to represent the bondholders for the purposes provided in this part. The trustee or any trustee under any deed of trust, indenture, or other agreement may, and upon written request of the holders of 25

percent in principal amount of the bonds then outstanding, or such other percentage as is specified in the deed of trust, indenture or other agreement, shall in his name:

(a) By proper proceedings and actions enforce all rights of the bondholders, including the right to require the board to collect rates, rentals, and other charges adequate to carry out any agreement as to the revenues, or the pledge of the revenues or receipts of the board, to lease public buildings to state agencies or otherwise, and require the board to carry out any other agreements with or for the benefit of the bondholders, and to perform its duties under this part.

(b) Bring suit upon the bonds.

(c) By an action require the board to account as if it were the trustee of an express trust for the bondholders.

(d) By an action enjoin any acts or things which may be unlawful or in violation of the bondholders' rights.

(e) By notice in writing to the board declare bonds due and payable, and if all defaults are made good then with the consent of the holders of 25 percent of the principal amount of the bonds then outstanding, or such other percentage as is specified in any deed of trust, indenture, or other agreement, annul the declaration that bonds are due and payable.

Receiver

15842. A trustee, appointed pursuant to Section 15841, or acting under a deed of trust, indenture, or other agreement, whether or not all bonds have been declared due and payable, may have a receiver appointed. The receiver may, to the same extent that the board itself could do, enter and take possession of the public buildings of the board, or any parts thereof, the revenues, rentals, or receipts from which are applicable to the payment of the bonds in default, and operate and maintain the public buildings and collect and receive all rentals and revenues thereof arising therefrom in the same manner as the board might do. The receiver shall deposit money in a separate account and apply it in such manner as the court directs. In any action or proceeding by the trustees, the fees, counsel fees, and expenses of the trustees, and of the receiver, and all costs and disbursements allowed by the court, are a first charge on any revenues and receipts derived from the public buildings of the board, the revenues or receipts from which are or may be applicable to the payment of the bonds in default. The trustee shall have and possess all the powers necessary or appropriate for the exercise of any functions specifically set forth in this part or incident to the general representation of the bondholders in the protection and enforcement of their rights; provided, however, that nothing in this section or any other section in this part shall authorize any trustee appointed pursuant to Section 15841, for the purpose of operating and maintaining any public buildings of the board, to sell, assign, mortgage, or otherwise dispose of, any of the assets of whatever kind and character belonging to the board.

Powers and duties

Powers and duties of trustee

Additional rights and remedies

15843. In addition to all other rights and all other remedies the holder of bonds of the board may by an action at law

enforce his rights against the board, including the right to require the board to collect fees, rentals, and other charges adequate to carry out any agreement as to fees, rentals, or other charges or income, revenue and receipts and require the board to carry out any of its covenants and agreements with the bondholders and perform its duties under this part.

CHAPTER 6. FISCAL PROVISIONS

Moneys received Disposition

15845. All money received by the board from whatever source derived, shall be transmitted by the board at least once in every calendar month to the State Treasurer, and shall be deposited in the State Treasury to the credit of the Public Buildings Construction Fund, which fund is hereby created and is appropriated for the purpose hereinafter provided.

Accounts

There shall be maintained within the fund three separate accounts for each series of certificates or revenue bonds covering all the public buildings authorized, under this part, at any one session of the Legislature:

(a) A construction account

(b) A revenue account

(c) A sinking fund account

There shall be deposited to the credit of the respective series in the construction account the proceeds from the sale of each series of certificates or revenue bonds authorized under the provisions of this part. The money in each such account shall be expended, for the purposes authorized by this part, or as provided in the resolution, for the acquisition and construction of the public buildings, and in addition, for the payment of all costs and expenses of, and incident to, the issuance and sale of certificates or revenue bonds, and the payment of interest due or to become due on the certificates or revenue bonds during the period of actual construction, and for such further period as may be specified in the resolution for the issuance of the certificates or revenue bonds, not exceeding six months after the period of construction.

There shall be deposited to the credit of the respective series in the revenue account all revenues, rentals, or receipts received from the operation of each series of public buildings acquired, constructed, or operated by the board under the provisions of this part, and all other money received by the board from whatever source derived, the disposition of which is not otherwise provided by this part.

The money in each revenue account shall be expended for the payment of the costs of operation and maintenance of the public buildings authorized by this part, including administrative expenses of the board, and for such other purposes as may be provided in the resolution, subject to any restrictions provided by law or by the resolution.

All money in each revenue account, except that part required to pay the costs of operating the board, as provided for in the resolution authorizing the issuance of the certificates or rev-

enue bonds, shall be set aside at regular intervals as provided in the resolution in separate sinking fund accounts for each series of certificates or revenue bonds, which are pledged to and charged with the payment of:

(a) The interest upon such certificates or revenue bonds as the interest falls due.

(b) The principal of the certificates or revenue bonds as it falls due.

(c) Any redemption value upon certificates or revenue bonds retired by call.

Use etc., of sinking fund account

The use and disposition of the sinking fund account is subject to the regulations provided in the resolution. Each separate sinking fund account is an account for the benefit of each of the respective series of the certificates or revenue bonds issued, without distinction or priority of one over another, except as to series. Subject to the provisions of the resolution, any money in the sinking fund account of each series in excess of the amount equal to one year's interest on all certificates or revenue bonds of that series then outstanding may be applied to the purchase or redemption of certificates or revenue bonds of such series. All certificates or revenue bonds purchased or redeemed shall be canceled and shall not be issued again.

Allocation of costs

15846. The board may provide in the resolution for the allocation of financial and administrative costs of the board during the period of actual construction, and for such further period as may be specified in the resolution for the issuance of the certificates or revenue bonds, not exceeding two years, between the money in each construction account and the money in each revenue account.

Investment of surplus moneys

15847. Subject to the obligations of the board to its certificate holders or bondholders, the Department of Finance is authorized to invest and reinvest surplus moneys in any of the accounts in the Public Buildings Construction Fund, in bonds or other obligations of the United States, or those for which the full faith and credit of the United States are pledged for the payment of principal and interest, 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, upon direction of the board. All securities or other investments made under the provisions of this part shall be held by the State Treasurer as custodian thereof.

All interest received or other earnings derived from such investments shall be collected by the State Treasurer, and shall be deposited in the State Treasury to the credit of the account in the fund from which such interest or other earnings were derived.

Expenses

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 fund may be paid from the fund.

CHAPTER 1687

An act to add Section 15833 to the Government Code, authorizing the State Public Works Board to acquire real property and construct state office and garage buildings, and making an appropriation.

In effect September 7, 1955

[Approved by Governor July 6, 1955 Filed with Secretary of State July 7, 1955]

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

SECTION 1. The State Public Works Board, after approval of preliminary plans under the procedure provided by Section 5 of the Budget Act of 1955, is authorized to acquire real property and construct state office and garage buildings, under the provisions of the State Building Construction Act of 1955, and to finance by the issuance of either certificates or revenue bonds pursuant to said act, as follows, not to exceed in cost the amounts set forth:

In the City of Los Angeles construct a state office building and garage nine million eighty-four thousand five hundred dollars ($9,084,500); in the City of San Francisco construct a state office building six million seven hundred ninety-two thousand three hundred dollars ($6,792,300); in the City of Fresno acquire an additional site for a state office building one hundred fifty thousand dollars ($150,000); in the City of Fresno construct a state office building three million twenty-five thousand three hundred dollars ($3,025,300); in the City of Oakland construct a state office building three million two hundred seventy-eight thousand eight hundred dollars ($3,278,800); in the City of San Jose acquire a site for a state office building two hundred thousand dollars ($200,000); in the City of San Jose construct a state office building one million three hundred sixty-nine thousand one hundred dollars ($1,369,100); in the City of San Diego acquire a site for a state office building four hundred thousand dollars ($400,000); and in the City of San Diego construct a state office building and garage two million three hundred forty-five thousand nine hundred dollars ($2,345,900).

SEC. 2. Section 15848 is added to the Government Code, to read:

15848. Such amount as may be necessary to pay monthly the amount required to pay the rent of any agency occupying space in an office building authorized to be constructed under the provisions of the State Building Construction Act of 1955 is hereby appropriated each fiscal year payable from the fund in the State Treasury from which said agency derives its appropriation for support and shall become available only if the Department of Finance certifies to the State Controller that the amount required monthly to pay such rent has not been included in the Budget Act for such fiscal year for the

support of the agency for that portion of such office building which has been provided for its use. The appropriation herein made shall become inoperative as to any office building which is transferred to the jurisdiction of the Department of Finance pursuant to Section 15816 of this code.

CHAPTER 1688

An act to add Section 11005.2 to the Government Code, relating to the letting or demising of state property by state agencies.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 11005.2 is added to the Government Code, to read:

11005.2. Unless the Legislature specifically provides that approval by the Director of Finance is not required, every contract or agreement whereby an interest of the State in any real property is demised or let to any person shall, before such contract or agreement is entered into, be approved by the Director of Finance. Any contract or agreement 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 to real property acquired by the Department of Public Works for highway purposes or real property administered by the Board of State Harbor Commissioners for San Francisco Harbor, the State Lands Commission, the State Controller or the State Compensation Insurance Fund.

CHAPTER 1689

An act to amend Section 750.5 of the Vehicle Code, relating to damaged equipment of members of the California Highway Patrol.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 750.5 of the Vehicle Code is amended to read:

750.5. Uniforms and Equipment. The Department of the California Highway Patrol shall pay the cost of repairing the uniforms or equipment of members of the California Highway

Patrol which are damaged in the line of duty. If the uniforms or equipment are damaged beyond repair, the said department shall pay the actual value of such uniforms or equipment as determined by the Commissioner of the California Highway Patrol. The value of such uniforms or equipment shall be determined as of the time of the damage thereto.

The term equipment as used in this section shall include equipment required by said department or personal accoutrements necessary to the member to perform his duty.

The cost of repairing or replacing uniforms or equipment pursuant to this section is a proper maintenance charge of the California Highway Patrol and is payable out of any appropriation for the support thereof.

CHAPTER 1690

An act to add Section 14010 to the Health and Safety Code, relating to studies of the law on formation of fire protection districts in unincorporated areas, and making an appropriation.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 14010 is added to the Health and Safety Code, to read:

14010. The State Fire Marshal shall study and investigate the law relating to the formation and organization of fire protection districts in unincorporated areas and shall, within 15 days after the commencement of the 1957 Regular Session, report to the Legislature the results of its investigation and study and also its conclusions and recommendations regarding needed legislation in order better to accomplish the purposes of the law.

SEC. 2. The sum of seven thousand five hundred dollars ($7,500) is hereby appropriated from the General Fund to the State Fire Marshal to carry out the purposes of this act, to be expended during the 1955-1956 Fiscal Year.

CHAPTER 1691

An act to provide for the removal of an island from the channel of Eel River and making an appropriation for such purpose.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. The State Lands Commission shall remove, or cause to be removed, the island in the channel of Eel River

in the vicinity of the bridge on State Highway Route 56 at Fernbridge in Humboldt County.

SEC. 2. The sum of twenty thousand dollars ($20,000), or so much thereof as may be necessary, is appropriated from the State Highway Fund in the State Treasury to the State Lands Commission to carry out the provisions of this act.

CHAPTER 1692

An act making an appropriation to the Youth Authority for replacement of the existing ditch conveying water to the Fricot Ranch School for Boys, including the acquisition of necessary easements.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. The unexpended balances of the appropriations heretofore made for replacement of ditch with pipeline, Fricot Ranch School for Boys, Youth Authority, by Item 289 of the Budget Act of 1951, Item 314 of the Budget Act of 1952 and Item 302 of the Budget Act of 1953 are hereby reappropriated for the purposes specified in said appropriations and for the acquisition of easements required to replace said existing ditch conveying water to the Fricot Ranch School for Boys.

CHAPTER 1693

An act to amend Section 9575.5 of the Business and Professions Code, relating to the State Board of Dry Cleaners, making an appropriation therefor, to take effect immediately.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect immediately

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

SECTION 1. Section 9575.5 of the Business and Professions Code is amended to read:

9575.5. The sum of seventy-five thousand dollars ($75,000) is hereby appropriated from the balance of the Dry Cleaners' Fund available under subdivision 2, Section 9575, Business and Professions Code, for expenditure for support of the State Board of Dry Cleaners, to be expended during the 1955-1956 and 1956-1957 Fiscal Years, of which amount not more than twenty-five thousand dollars ($25,000) shall be expended for the purposes of contracting with the State Fire Marshal for conducting research, developing and disseminating to the dry cleaning industry and the general public information on fire

Appropriation

and other hazards caused by the use of dry cleaning solvents and dry cleaning processes, and of which amount not more than fifty thousand dollars ($50,000) shall be expended, at the rate of not more than twenty-five thousand dollars ($25,000) during any one such fiscal year, for the purpose of contracting with any college or university supported, in whole or in part, by the State of California, for conducting research and to disseminate to the dry cleaning industry and the general public information on the factors involved in the cleaning and the maintenance of fabrics, including those made from or containing synthetic fibers as well as natural fibers, such as wool, cotton, or other such fibers, and the effect of cleaning procedures on the properties, life, and wearing qualities of fabrics.

Termination date

SEC. 2. The amendments made by this act to Section 9575.5 of the Business and Professions Code shall remain in effect until the ninety-first day after the final adjournment of the 1957 Regular Session of the Legislature and thereafter the amendments to such section shall be of no force or effect.

Current expenses

SEC. 3. This act makes an appropriation for the usual current expenses of the State within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1694

An act to add Chapter 8 to Division 12 of the Education Code, providing that the State of California enter into a compact with the Eleven Western States and the Territories of Alaska and Hawaii, each or all, to promote the better cooperation in higher education in certain professional sciences, and to create the Western Interstate Commission for Higher Education; providing for the members of such commission for the State of California; providing for the administration of the provisions of said compact and the participation of this State therein; and making an appropriation.

In effect September 7, 1955

[Approved by Governor July 6, 1955 Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Chapter 8 is added to Division 12 of the Education Code, to read:

CHAPTER 8. WESTERN REGIONAL HIGHER EDUCATION COMPACT

Western Regional Higher Education Compact Authorization for Governor to enter

25000. The Governor is hereby authorized and directed to execute a compact on behalf of this State with each or all of the Eleven Western States and the Territories of Alaska and Hawaii for the purpose of cooperating with such states in the formation of a Western Interstate Commission for Higher

Education. Notice of intention to withdraw from such compact shall be executed and transmitted by the Governor.

Form and contents

25001. The form and contents of such compact shall be substantially as provided in this section and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this chapter:

Western Regional Higher Education Compact

The contracting states do hereby agree as follows:

Article 1

WHEREAS, The future of this Nation and of the Western States is dependent upon the quality of the education of its youth; and

WHEREAS, Many of the Western States individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional, and graduate training, nor do all of the states have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

WHEREAS, It is believed that the Western States, or groups of such states within the region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the region and of the students thereof; now, therefore,

The States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and the Territories of Alaska and Hawaii, do hereby covenant and agree as follows:

Article 2

Pledge of cooperation

Each of the compacting states and territories pledges to each of the other compacting states and territories faithful cooperation in carrying out all the purposes of this compact.

Article 3

Commission

The compacting states and territories hereby create the Western Interstate Commission for Higher Education, hereinafter called the commission. Said commission shall be a body corporate of each compacting state and territory and an agency thereof. The commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states and territories.

Article 4

Members

The commission shall consist of three resident members from each compacting state or territory. At all times one commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which he is appointed.

Selection

The commissioners from each state and territory shall be appointed by the governor thereof as provided by law in such state or territory. Any commissioner may be removed or suspended from office as provided by the law of the state or territory from which he shall have been appointed.

Terms

The terms of each commissioner shall be four years; provided, however, that the first three commissioners shall be appointed as follows; one for two years, one for three years, and one for four years. Each commissioner shall hold office until his successor shall be appointed and qualified. If any office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

Article 5

Vote required

Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

One or more commissioners from a majority of the compacting states and territories shall constitute a quorum for the transacting of business.

Each compacting state and territory represented at any meeting of the commission is entitled to one vote.

Article 6

Chairman and vice chairman

The commission shall elect from its number a chairman and a vice chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents, and employees as may be required to carry out the purpose of this compact; and shall fix and determine their duties, qualifications and compensation, having due regard for the importance of the responsibilities involved.

Compensation

The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the commission.

Article 7

Powers and duties

The commission shall adopt a seal and by-laws and shall adopt and promulgate rules and regulations for its management and control.

The commission may elect such committees as it deems necessary for the carrying out of its functions.

The commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chairman may call such additional meetings and upon the request of a majority of the commissioners of three or more compacting states or territories shall call additional meetings.

Submission of budget to governors

The commission shall submit a budget to the governor of each compacting state and territory at such time and for such period as may be required.

Determination of cost

The commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the region.

Report

On or before the fifteenth day of January of each year, the commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

Books of account

The commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or territory or his designated representative. The commission shall not be subject to the audit and accounting procedure of any of the compacting states or territories. The commission shall provide for an independent annual audit.

Article 8

Contractual agreements

It shall be the duty of the commission to enter into such contractual agreements with any institutions in the region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health, and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the commission may enter into contractual agreements—

(a) With the governing authority of any educational institution in the region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties, and

(b) With the governing authority of any educational institution in the region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the region providing

the desired services and facilities, upon such terms and conditions as the commission may prescribe.

It shall be the duty of the commission to undertake studies of needs for professional and graduate educational facilities in the region, the resources for meeting such needs, and the long-range effects of the compact on higher education; and from time to time prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states and territories. In conducting such studies, the commission may confer with any national or regional planning body which may be established. The commission shall draft and recommend to the governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the region.

For the purposes of this compact the word "region" shall be construed to mean the geographical limits of the several compacting states and territories.

Article 9

Apportioning operating costs

The operating costs of the commission shall be apportioned equally among the compacting states and territories.

Article 10

Operative date

This compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the States or Territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska, and Hawaii have duly adopted it prior to July 1, 1953. This compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

Article 11

Termination of compact

This compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing such consent by the legislature and governor of such terminating state. Any state or territory may at any time withdraw from this compact by means of appropriate legislation to that end. Such withdrawal shall not become effective until two years after written notice thereof by the governor of the withdrawing state or territory accompanied by a certified copy of the requisite legislative action is received by the commission. Such withdrawal shall not relieve the withdrawing state or territory from its obligations hereunder accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two-year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the commission.

Article 12

If any compacting state or territory shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder, shall be suspended from the effective date of such default as fixed by the commission. Default in obligations

Unless such default shall be remedied within a period of two years following the effective date of such default, this compact may be terminated with respect to such defaulting state or territory by affirmative vote of three-fourths of the other member states or territories.

Any such defaulting state may be reinstated by: (a) performing all acts and obligations upon which it has heretofore defaulted, and (b) application to and the approval by a majority vote of the commission.

25002. In furtherance of the provisions contained in the compact, there shall be three commissioners from the State of California, appointed by the Governor by and with the advice and consent of the Senate. The qualifications and terms of the commissioners shall be in accordance with Article 4 of the compact. A commissioner shall hold office until his successor is appointed and qualified but such successor's term shall expire four years from the legal date of expiration of the term of his predecessor. Any commissioner may be removed from office by the Governor upon charges and after a hearing. The term of any commissioner who ceases to hold the required qualifications shall terminate when a successor may be duly appointed. Vacancies occurring in the office of a commissioner from any reason or cause shall be filled for the unexpired term in the same manner as for a full term appointment. California commissioners

Each commissioner shall receive his necessary travel expenses incurred in the performance of his official duties in behalf of the commission.

25003. All officers of the State are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of the compact in every particular; it being hereby declared to be the policy of this State to perform and carry out the compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the State Government or administration of the State are hereby authorized and directed at convenient times and upon request of the commission to furnish the commission with information and data possessed by them and to aid such commission by any means lying within their legal rights. Legislative declaration

25004. The commission shall keep accurate accounts of its activities and shall report to the Governor and the Legislature on or before the thirty-first day of December in each year, setting forth in detail the transactions conducted by it during that calendar year and shall make recommendations for any Accounts of activities

Recommendations

legislative action deemed by it advisable, including amendments to the statutes which may be necessary to carry out the intent and purposes of the compact between the signatory states.

Execution of compact

25005. When the Governor on behalf of the State executes the compact, he shall attach his signature thereto under a recital that such compact is executed pursuant to the provisions of this chapter, subject to the limitations and qualifications contained in this chapter in aid and furtherance thereof.

Appropriation

SEC. 2. Out of any moneys in the State Treasury not otherwise appropriated, the sum of seven thousand dollars ($7,000) is hereby appropriated to the Department of Education to be expended during the 1955-56 Fiscal Year for use for the support of the commission and for use in carrying out the purposes of this act and the compact authorized by this act. The Department of Education shall serve as the fiscal agency for the commission and shall manage the fiscal affairs in behalf of the commission.

CHAPTER 1695

An act to amend Section 690.3 of the Code of Civil Procedure, relating to property exempt from execution or attachment.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 690.3 of the Code of Civil Procedure is amended to read:

690.3. The farming utensils or implements of husbandry of the judgment debtor, not exceeding in value the sum of four thousand dollars ($4,000); also two horses or two mules and their harness, including saddles, and two wagons, and food for such horses or mules, for one month; also all seed grain or vegetables actually provided, reserved or on hand for the purpose of planting or sowing at any time within the ensuing six months, not exceeding in value the sum of one thousand dollars ($1,000); and 75 beehives.

CHAPTER 1696

An act making an appropriation to the Office of Civil Defense for the purchase of mobile communication centers.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. There is hereby appropriated to the office of Civil Defense, out of the General Fund, the sum of ninety-five

thousand four hundred dollars ($95,400) for the acquisition and equipment of mobile communication centers; provided, however, that no expenditure shall be made from this appropriation until federal funds have been made available in an amount equal to that to be expended by the State exclusive of sales tax.

CHAPTER 1697

An act relating to a toll tube or other toll highway crossing or ferry 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 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

Toll tube crossing Bay of San Diego Appropriation

SECTION 1. The sum of two hundred thousand dollars ($200,000), 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 cost, 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 government 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 appropriated, 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, 1958. 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.

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, 1958, 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, four-sevenths ($\frac{4}{7}$) of each installment to be charged against the funds available for expenditure in the City of San Diego and three-sevenths ($\frac{3}{7}$) from those available for expenditure in the City of Coronado.

Operation of ferry, etc

SEC. 2. If a toll tube or other toll highway crossing described in Section 1 of this act is constructed, and will accommodate a substantial part of the traffic served by a privately owned toll bridge, ferry, tube, or other toll highway crossing, the authority shall authorize and direct the department to acquire such ferry either through mutual agreement with the ferry owners or by the exercise of eminent domain. The authority shall provide in the mutual agreement or in the exercise of eminent domain that the owners of the ferry shall through a process of collective bargaining pay personnel severance pay and the actuarial value of accrued pension rights, and if a ferry so acquired is operated by the authority, the authority shall pay the personnel thereof one month's severance pay for each year of service with the ferry up to 15 years, when the ferry service is discontinued.

The authority may authorize the department to operate a toll bridge, ferry, tube, or other toll highway which has been acquired, with the personnel theretofore employed thereon, until such time as the authority and the department in their discretion deems it necessary or desirable to discontinue operations, in which event the authority shall authorize and direct the department to discontinue the toll bridge, ferry, tube, or other toll highway and pay the personnel thereof one month's severance pay for each year of service with the ferry up to 15 years.

In the employment of personnel the department shall, insofar as possible, employ persons displaced from their usual positions with a privately owned toll bridge, ferry, tube, or other highway crossing, because of the operations of the authority and department, and pay said personnel at least the rates of pay which such persons received in private employment.

CHAPTER 1698

An act relating to water pollution, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.] In effect immediately

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

SECTION 1. There is hereby appropriated to the State Water Pollution Control Board the sum of twenty thousand dollars ($20,000), payable from the Fish and Game Preservation Fund, for studies and investigation of all phases of pollution of the waters of the Sacramento River between the City of Redding and Keswick Dam, including, without limitation as to the generality thereof, a determination as to the causes or combination of causes of the death of fish and the stream flow conditions under which such deaths occur, measurement, analysis, and evaluation of the sources of deleterious materials being deposited in the Sacramento River from tributary streams in the area, and an engineering study to develop feasible methods of preventing or reducing fish mortality.

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:

Periodically, the waters of the Sacramento River between the City of Redding and Keswick Dam become so highly polluted that many of the fish in the river are killed. Before measures can be taken to correct this dangerous condition it is necessary that studies and investigations be made of all phases of the matter. This act would provide the necessary funds for such studies and investigations, and it is therefore necessary for the immediate preservation of the public peace, health or safety that this act take effect immediately.

CHAPTER 1699

An act to add Chapter 4 to Part 2, Division 2, Title 2 of the Government Code, relating to state fiscal affairs, creating the Legislative Audit Bureau, and the Joint Legislative Audit Committee, prescribing the duties thereof, and providing for the transfer of funds.

[Approved by Governor July 6, 1955 Filed with Secretary of State July 7, 1955] In effect September 7, 1955

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

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

CHAPTER 4. LEGISLATIVE AUDIT BUREAU

Article 1. Joint Legislative Audit Committee

Legislative declaration

10500. The Legislature finds that auditing is now conducted by various state agencies and recognizes the needs of the executive branch of the State Government for periodic and special audits of the revenues and expenditures of any state agency, and the accounting and fiscal reporting systems established in state agencies, as a means of insuring the proper and lawful expenditure of state funds. The Legislature, also, recognizes the necessity of an independent audit, in addition to the audit conducted within the executive branch of State Government, for the use of both the executive and legislative branches of the State Government in establishing a sound fiscal and administrative policy for the government of the State.

Therefore, it is the desire of this Legislature that the internal auditing be coordinated in the executive branch of the government in the interest of economy and efficiency. It is also the desire of the Legislature to create the Office of the Auditor General, whose primary duties shall be to examine and report annually upon the financial statements prepared by the executive branch of the State and to perform such other related assignments as may be requested by the Legislature. The authority of the office under the direction of the Joint Legislative Audit Committee is confined to examining and reporting and is in no way to interfere with adequate internal audit to be conducted by the executive branch of the government.

Joint Legislative Audit Committee

10501. The Joint Legislative Audit Committee is hereby created. The committee shall determine the policies of the Auditor General, ascertain facts, review reports and take action thereon, and make reports and recommendations to the Legislature and to the houses thereof concerning the state audit, the revenues and expenditures of the State, its departments, subdivisions, and agencies whether created by the Constitution or otherwise, 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

10502. The committee shall consist of three Members of the Senate and three 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.

Rules, subcommittees, etc

10503. 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.

Auditor General and deputy

10504. The committee shall have authority to appoint an Auditor General and a deputy who shall serve at the pleasure of the committee. The committee shall fix the salary of the Auditor General. 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.

Article 2. Auditor General

Legislative Audit Bureau

10520. There is in the State Government the Legislative Audit Bureau. The bureau is in charge of the Auditor General.

Qualifications

10521. The Auditor General, prior to his appointment, shall possess the following minimum qualifications:

(a) He shall be in possession of a valid certificate issued by the State Board of Accountancy to practice as a certified public accountant or a public accountant.

(b) He shall have had at least seven years of experience in governmental accounting in an executive position involving responsibility for directing the work of an auditing staff of not less than 20 accountants.

(c) Or he shall have any combination of experience which in the opinion of the committee is the equivalent of (b).

Compensation

10522. The Auditor General shall be paid the salary fixed by the Joint Legislative Audit Committee and shall be repaid all actual expenses incurred or paid by him in the discharge of his duties.

Assistants

10523. The Auditor General may employ and fix the compensation, in accordance with Article XXIV of the Constitution, of such professional assistants and clerical and other employees as he deems necessary for the effective conduct of the work under his charge.

Location of office

10524. The permanent office of the Auditor General shall be in Sacramento, where he shall be provided with suitable and sufficient offices. When in his judgment the conduct of his work requires, he may maintain offices at other places in the State.

Books, etc., as public records

10525. All books, papers, records, and correspondence of the bureau pertaining to its work are public records and shall

be filed at any of the regularly maintained offices of the Auditor General, except:

(a) Papers or memoranda that are of no further use may be destroyed upon approval of the Joint Legislative Audit Committee.

(b) Personal papers and correspondence of any person receiving assistance from the Auditor General when such person has requested in writing that his papers and correspondence be kept private and confidential. Such papers and correspondence shall become public records whenever the Auditor General or the Legislature shall so order or the written request is withdrawn.

(c) Papers, correspondence or memoranda pertaining to any audit or investigation not completed, when in the judgment of the Auditor General, disclosure of such papers, correspondence, or memoranda will impede such audit or investigation.

(d) Any record, document, or information, the disclosure of which is restricted by law or public policy.

Disclosure of information prohibited

10526. It shall be a misdemeanor for the Auditor General or any employee of the bureau to divulge or make known in any manner not permitted by law, any particulars of any record, document, or information the disclosure of which is restricted by law.

Access etc., to records, books, etc

10527. The Auditor General during regular business hours shall have access to, and authority to examine, any and all books, accounts, reports, vouchers, correspondence files, and other records, bank accounts, and money or other property, of any agency of the State whether created by the Constitution or otherwise, and it shall be the duty of any officer or employee of any such agency, having such records or property in his possession or under his control, to permit access to, and examination thereof upon the request of the Auditor General or his authorized representative. Any officer or person who shall fail or refuse to permit such access and examination, shall be guilty of a misdemeanor.

Annual report

10528. The Auditor General shall examine and report annually upon the financial statements prepared by the executive branch of the State to the end that the Legislature will be informed as to the adequacy of such financial statements in compliance with generally accepted accounting principles applied on a basis consistent with that of the preceding fiscal year. In making such examination, he is authorized to make such audit examination of accounts and records, accounting procedures and internal auditing performance as in his judgment are necessary to disclose all material facts necessary to proper reporting to the Legislature in accordance with the statement of purposes set forth in Section 10500. He shall make such special audits and investigations of any state agency whether created by the Constitution or otherwise, as requested by the Legislature or any committee of the Legislature.

Transfer of funds

SEC. 2. Upon the effective date of this act or during the fiscal year in which this act becomes effective, the

Director of Finance, together with the Auditor General, shall determine the amount of money in any item of appropriation for the support of auditing functions that are to be assumed by the Auditor General under the provisions of Article 2 of this chapter. The Director of Finance shall direct the State Controller to transfer to the Contingent Funds of the Senate and of the Assembly said amount from any such appropriation and the State Controller shall make such transfer.

Transfer of employees

State employees performing auditing functions to be assumed by the Legislative Audit Bureau shall be transferred to the Legislative Audit Bureau in the manner and with the rights and duties provided by the State Civil Service Act.

CHAPTER 1700

An act to add Section 135 to the Labor Code, relating to records of the Industrial Accident Commission.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 135 is added to the Labor Code, to read:

135. In accordance with rules of practice and procedure which it may adopt, the commission may, with the approval of the Department of Finance, destroy or otherwise dispose of any file kept by it in connection with any proceeding under Division 4 or Division 4.5 of this code, after such file has been retained by it for a period of at least 25 years from the date of filing of the application to which the file pertains.

CHAPTER 1701

An act to add Section 5067.1 to the Education Code, transferring certain funds out of the Public School Building Loan Fund to the State School Building Aid Fund, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect immediately

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

SECTION 1. Section 5067.1 is hereby added to the Education Code, to read:

5067.1. Notwithstanding any provision of law to the contrary, the State Allocation Board may from time to time by appropriate resolution order the transfer from the Public School Building Loan Fund to the State School Building Aid Fund of any amounts therein which it deems no longer desira-

ble to retain for the purposes of Chapters 1.6 and 1.7, Division 3 of the Education Code; providing, that nothing herein shall be deemed to apply to any moneys heretofore or hereafter deposited in the Public School Building Loan Fund by virtue of Sections 5058, 5105.1, and 5107; or to any moneys heretofore or hereafter deposited in said fund from deductions made from the State School Fund pursuant to Section 5047.8; or to any moneys appropriated from the Public School Building Loan Fund by virtue of the Budget Acts of 1954 and 1955, and which remain available for expenditure. Upon such order or orders the Controller shall make appropriate transfers, and any sums so transferred shall be available for apportionment in the same manner as other moneys in the State School Building Aid Fund, except that to the amount available for apportionment on the fifth day of each month pursuant to Section 7910, there shall be added any amount transferred to the State School Building Aid Fund by virtue of this paragraph prior to the fifth day of the preceding month. Notwithstanding the provisions of Section 5103.1, from and after the effective date of this paragraph there shall be no further transfers to the General Fund from the Public School Building Loan Fund of any amounts deposited therein by virtue of Sections 5071, 5072, and 5073.

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 Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Inasmuch as Chapter 19, Division 3 of the Education Code is deemed a more satisfactory law than Chapter 1.6, Division 3 of the Education Code under which to make apportionments to school districts, it is desired that funds unexpended or unencumbered under Chapter 1.6 be transferred for the purpose of making apportionments under Chapter 19. In order to do so at the earliest date possible with consequently greater benefit to the school districts affected, this bill is made an urgency measure.

CHAPTER 1702

An act creating the Avenal Community Services District and merging the Avenal Sanitary District and the Avenal Heights Sanitary District with the Avenal Community Services District.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

Legislative declaration

SECTION 1. The State of California and the people thereof are hereby declared to have a primary and supreme interest

in securing to the inhabitants and property owners in the vicinity of Avenal, Kings County, the greatest possible use and conservation of water available to the area thereby assuring that the greatest productivity of the largest possible area may be accomplished and safely carried on within reasonable limits of economy.

Investigation having shown that conditions in this area are peculiar to this area, 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 proper distribution, use and control of the water available for the area and the furnishing of necessary sanitation facilities by the means herein provided with the elimination of duplicating governmental authorities thereby securing greater economy of administration.

Avenal Community Services District Establishment

SEC. 2. The Avenal Community Services District is hereby created to consist of the territories within the Avenal Sanitary District and the Avenal Heights Sanitary District.

Applicable laws

SEC. 3. This district shall be governed by the provisions of the Community Services District Law, as now or hereafter amended, except as the law may be in conflict with the provisions of this act, in which case the provisions of this act shall govern.

SEC. 4. Part 2 of the Community Services District Law shall have no application to this district.

Board of directors

SEC. 5. Part 3 of the Community Services District Law shall apply to this district; provided, that this district shall be governed by a board of five directors and that the members of the governing boards of the Avenal Sanitary District and the Avenal Heights Sanitary District shall constitute the first board of directors of this district to hold office until the election and qualification of five directors at the first general district election who shall then proceed as if they were the first board of directors elected at the formation of a district under the Community Services District Law, and provided further, that the appointment of a general manager shall not be mandatory, but such appointment may be made when it is necessary or convenient for the business of the district.

Powers

SEC. 6. Parts 4 and 5 of the Community Services District Law shall apply to this district except that for purposes of Section 60600 of Part 5, until otherwise provided pursuant to Section 60601, the district may exercise its powers for the purposes of:

(a) Supplying the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation; and

(b) Collecting, treating, or disposing of sewage, waste, and storm water of the district and its inhabitants.

(c) Mosquito abatement.

SEC. 7. Parts 4 and 5 of the Community Services District Law shall apply to this district except that for purposes of

Section 61600 of Part 5, until otherwise provided pursuant to Section 61601, the district may exercise its powers for the purposes of:

(a) Supplying the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation; and

(b) Collecting, treating, or disposing of sewage, waste, and storm water of the district and its inhabitants.

(c) Mosquito abatement.

Tax rate

SEC. 8. Parts 6 and 7 of the Community Services District Law shall apply to this district except that for the purposes of Section 60755.5 of Part 6 the annual property tax rate shall not exceed one dollar and sixty cents ($1.60) per one hundred dollars ($100) of assessed valuation of all taxable property within the district.

SEC. 9. Parts 6 and 7 of the Community Services District Law shall apply to this district except that for the purposes of Section 61755.5 of Part 6 the annual property tax rate shall not exceed one dollar and sixty cents ($1.60) per one hundred dollars ($100) of assessed valuation of all taxable property within the district.

Merger

SEC. 10. The Avenal Sanitary District and the Avenal Heights Sanitary District are hereby merged with the Avenal Community Services District and for all purposes shall cease to exist.

Assumption of debts, etc

SEC. 11. All property, funds, rights, or contracts of the Avenal Sanitary District or the Avenal Heights Sanitary District are hereby transferred to the Avenal Community Services District. All contracts, bonds, indebtednesses, or other obligations of the Avenal Sanitary District or the Avenal Heights Sanitary District are hereby assumed by the Avenal Community Services District. All obligations to pay money which are assumed shall be satisfied only from taxes, assessments or service charges levied within the territory of the district which incurred the obligation.

Power to levy taxes

SEC. 12. This district shall have the power to levy all taxes or assessments, and to prescribe, revise and collect charges for services and facilities, in the territory of the former districts to pay the interest or principal on any indebtedness assumed by the district which the Avenal Sanitary District or the Avenal Heights Sanitary District could have levied in their respective territory to pay the interest or principal on any indebtedness.

Effect Stats 1955, Ch 1746

SEC. 13. Sections 7 and 9 of this act shall become operative only if Senate Bill No. 1714 is enacted by the Legislature at its 1955 Regular Session, and in such case at the same time as said Senate Bill No. 1714 becomes operative, at which time Sections 6 and 8 of this act are repealed.

CHAPTER 1703

An act to add Article 4.5 to Chapter 3, Part 2, Division 4, Title 2 of the Government Code, relating to the investment and deposit of money in the State Treasury, and making an appropriation therefor.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Article 4.5 is added to Chapter 3, Part 2, Division 4, Title 2 of the Government Code, to read:

Article 4.5. Treasury Pooled Money Investments

Appropriation

16480. All money in the State Treasury, except money in the Unemployment Compensation Disability Fund, is appropriated for the purpose of investment and deposit as provided in this article.

Pooled Money Investment Board

16480.1. There is hereby created a Pooled Money Investment Board, which shall consist of the Controller, Treasurer and Director of Finance. The Pooled Money Investment Board shall designate at least once a month the amount of money available under this article for investment in securities authorized by Article 2 of this chapter or in bank accounts, and the type of investment or deposit.

Intent of article

16480.2. It is the intent of this article that

Money available for investment or deposit be invested in securities or deposited in bank accounts in such a way as to realize the maximum return consistent with safe and prudent treasury management.

Investments, etc

16480.3. Immediately after designations described in Section 16480.1, the Treasurer shall invest or make deposits in bank accounts in accordance with the designations.

Sale, etc., of securities

16480.4. Amounts available for investment under this article may be invested and reinvested by the State Treasurer in any securities described in Sections 16430, 16431 and 16432 of this code. Such securities may be sold by the State Treasurer or exchanged by him for other securities of the kind authorized to be purchased hereunder, if, in his discretion, such sale or exchange appears to be in the best interests of the State.

Warrants

16480.5. Investments pursuant to this article shall be purchased by Controller's warrants. Such warrants shall not be drawn upon a fund but shall be drawn on all moneys in the treasury.

General Fund

16480.6. All increment earned from investments made pursuant to this article shall accrue to the General Fund.

Report

16480.7. Not later than 30 days after the close of each month there shall be placed on file for public inspection during business hours at the offices of the Controller, Treasurer and Director of Finance a report with respect to investments

made under this article and bank accounts showing transactions during such month and any related information the board deems should be included.

Severability

16480.8. If any provision in this chapter, or the application thereof to the money in any fund in the Treasury, is held invalid, the remaining provisions of this chapter shall not be affected thereby.

Construction

This article supplements but does not supersede any other provision of law relating to the investment of state funds.

CHAPTER 1704

An act to amend Sections 20864 and 21258 of, and to add Sections 20750.11, 20750.21, 20750.31, 20750.41, 21251.4, 21258.1 and 21258.2 to, the Government Code, relating to the State Employees' Retirement System in respect to minimum service retirement allowances of members and increased benefits to members heretofore retired or deceased and making an appropriation therefor.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 20864 of the Government Code is amended to read:

Calculating retirement benefits

20864. For the purpose of calculating retirement benefits based on part-time service, except under Section 21258 and under Section 21258.1, compensation earnable shall be taken as the compensation which would have been earnable if the employment had been on a full-time basis and the member had worked full time.

SEC. 2. Section 21258 of said code is amended to read:

Retirement allowance.

21258. (a) The retirement allowance referred to in this section excludes that portion of a member's service retirement annuity that was purchased by his accumulated additional contributions.

Retirement after age 65

(b) If a member enters this system with credit for prior service, and retires after attaining the compulsory age for service retirement applicable to him, or if a member is entitled to be credited with 20 years of continuous state service and retires after attaining age 65, and his retirement allowance is less than one-half of his final compensation and less than seven hundred twenty dollars ($720) per year, his prior or current service pension, as the case may be, shall be increased so as to cause his total retirement allowance from this system, and from the retiring annuities system of the university, if any, to amount to one-half of such final compensation or seven hundred twenty dollars ($720) per year, whichever is less.

(c) Subdivision (b) of this section applies only to local members, and then only if the contract between the board and

the employing contracting agency so provides, and if the employing contracting agency has elected to subject itself and its employees to the provisions of subdivision (b) by amendment to its contract with the board, made as provided in Section 20461.5, and has not elected to subject itself to the provisions of subdivision (b) of Section 21258.1.

If the contract between the board and the employing contracting agency provides therefor, and if the employing contracting agency does not elect to subject itself and its employees to the provisions of subdivision (b), when a local member enters this system with credit for prior service and retires after attaining age 70, and his retirement allowance is less than one-half of his final compensation and less than four hundred eighty dollars ($480) per year, his prior service pension shall be increased so as to cause his total retirement allowance from this system, and from the retiring annuities system of the university, if any, to amount to one-half of such final compensation or four hundred eighty dollars ($480) per year, whichever is less.

If a local member is employed by more than one contracting agency, his aggregate retirement allowances shall be taken into account and this subdivision shall apply as if he were employed by one or more state agencies.

SEC. 3. Section 21258.1 is added to said code, to read:

21258.1. (a) The retirement allowance referred to in this section excludes that portion of a member's service retirement annuity that was purchased by his accumulated additional contributions. Same Retirement after age 60

(b) If a member enters this system with credit for prior service, and retires after attaining the compulsory age for service retirement applicable to him, or if a member is entitled to be credited with 20 years of continuous state service and retires after attaining age 60, and his retirement allowance is less than one thousand two hundred dollars ($1,200) per year and less than his final compensation, his prior or current service pension, as the case may be, shall be increased so as to cause his total retirement allowance from this system, and from the retiring annuities system of the university, if any, to amount to one thousand two hundred dollars ($1,200) per year, or his final compensation, whichever is less.

(c) Subdivision (b) of this section applies to state members and also to local members if the contract between the board and the employing contracting agency so provides, or if the employing contracting agency elects to subject itself and its employees to the provisions of subdivision (b) by amendment to its contract with the board, made as provided in Section 20461.5.

If a local member to whom this section applies is employed by more than one contracting agency, his aggregate retirement allowances shall be taken into account irrespective of the employer.

SEC. 4. Section 21258.2 is added to said code, to read:

Current and prior service pensions

21258.2. Every current service pension and every prior service pension payable for time commencing on the effective date of this section to any member who was retired prior to said effective date is hereby increased to the amount it would be if the provisions of Section 21258.1, 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.

Exception

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 the agency elects to be subject to the provisions of this section, with respect to such employees, by amendment to its contract with the board, made as provided in Section 20461.5, and unless and until the contracting agency also elects to be subject to the provisions of Section 21258.1.

SEC. 5. Section 21251.4 is added to the Government Code, to read:

Retirement allowance Amount of increase

21251.4. (a) Every retirement allowance payable for time commencing on the effective date of this section to or on account of any member who was retired prior to October 1, 1953, is hereby increased by a monthly amount which, when added to any other increases in such retirement allowance made by the Legislature at its 1955 Regular Session, equals the full amount set forth in the following table opposite the period during which the member's retirement became effective, if the retired member is entitled to be credited with 20 years or more of state service, or, if the retired member is entitled to be credited with less than 20 years of state service, by an amount which, when added to any other increases in such retirement allowance made by the Legislature at its 1955 Regular Session, bears the same ratio to the amount set forth in the following table opposite the period during which the member's retirement became effective that the number of completed years of state service with which the member is entitled to be credited bears to 20 years:

Period during which retirement became effective	Amount of increase in monthly retirement allowance where member is entitled to be credited with 20 or more years of state service
Prior to July 1, 1951	$25
Twelve months ended June 30, 1952	20
Fifteen months ended September 30, 1953	15

Where a member to or on account of whom an increased retirement allowance is payable under this section has elected pursuant to Article 4 of Chapter 9 of this part to have his retirement allowance modified in accordance with an optional settlement provided in Section 21333, Section 21334, or Section 21335, if both the retired member and his beneficiary are living on the effective date of this section, the increase provided by this section shall be modified under the optional settlement so elected, on the basis of ages on the most recent retirement date, and current mortality tables and interest rate; but if either such retired member or his beneficiary is not living on said effective date, then the increase shall be made in the allowance payable to the survivor, in the same manner that increases are made in retirement allowances to persons who did not elect such an optional settlement.

The increase in each retirement allowance provided by this section shall be apportioned between the current service pension and the prior service pension of the retired member in the same proportions that the current service and the prior service with which the member is credited bear to the total state service with which he is credited, and shall be derived from the same source as such pensions.

Special death benefit

(b) Every special death benefit payable for time commencing on the effective date of this section on account of the industrial death of any member who died prior to October 1, 1953, is hereby increased by a monthly amount which, when added to any other increases in such death benefit made by the Legislature at its 1955 Regular Session, equals the full amount set forth in the following table opposite the period during which the member's death occurred:

Period during which industrial death occurred	Amount of increase in monthly special death benefit installments
Prior to July 1, 1951	$25
Twelve months ended June 30, 1952	20
Fifteen months ended September 30, 1953	15

(c) This section does not authorize any decrease in any retirement allowance or special death benefit, nor does this section give any retired member, or his successors in interest, or his beneficiary, or any payee of any special death benefit in respect to a deceased member any claim against the State for any increase in any retirement allowance or special death benefit paid or payable for time prior to its effective date.

Intention of Legislature

(d) It is the intention of the Legislature that the increases in retirement allowances and special death benefits provided by this section shall not be cumulative with any other increases in such allowances or such special death benefits, or both, which may be made by the Legislature at its 1955 Regular Session. If the retirement allowances and special death benefits to which this section is otherwise applicable, or any of them, are increased pursuant to any other legislation enacted

by the Legislature at its 1955 Regular Session, this section shall be applicable only to the extent that the increased amounts payable pursuant to it exceed the increased amounts payable pursuant to such other 1955 legislation.

(e) This section shall not apply to any contracting agency, nor to retirement allowances or special death benefits payable to or in respect to the retired or deceased employees of any contracting 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, except that an election among the employees is not required, or by express provision in its contract with the board.

Any increase in allowances provided by this section shall not take effect prior to the date the contract is amended to subject the contracting agency to the provisions of this section.

Operative date

SEC. 6. This act shall become operative on the first day of the month next succeeding its effective date, unless its effective date is the first day of the month, in which case it shall become operative on its effective date.

SEC. 7. Section 20750.11 is added to the Government Code, to read:

State's contribution to fund State miscellaneous members

20750.11. The State's contribution to the Retirement Fund in respect to state miscellaneous members provided by any and all other provisions of this chapter is increased by a sum equal to twenty-four hundredths (0.24) of 1 percent of the compensation paid state miscellaneous members.

SEC. 8. Section 20750.21 is added to the Government Code, to read:

State patrol members

20750.21. The State's contribution to the Retirement Fund in respect to state patrol members provided by any and all other provisions of this chapter is increased by a sum equal to seventy-nine hundredths (0.79) of 1 percent of the compensation paid state patrol members.

SEC. 9. Section 20750.31 is added to the Government Code, to read:

Forestry members

20750.31. The State's contribution to the Retirement Fund in respect to forestry members provided by any and all other provisions of this chapter is increased by a sum equal to one tenth (0.1) of 1 percent of the compensation paid forestry members.

SEC. 10. Section 20750.41 is added to the Government Code, to read:

Warden members

20750.41. The State's contribution to the Retirement Fund in respect to warden members provided by any and all other provisions of this chapter is increased by a sum equal to fifty-three hundredths (0.53) of 1 percent of the compensation paid warden members.

Appropriation

SEC. 11. The sum of four thousand seven hundred dollars ($4,700) is hereby appropriated out of the General Fund in augmentation of Item 35, Budget Act of 1955, for support of the Board of Administration of the State Employees' Retirement System.

CHAPTER 1705

An act to amend Sections 20016, 20024, 20024.01, as added by Chapter 1687 of the Statutes of 1953, 20203, 20302.5, 20303, 20520, 20831, 20834.1, 21295, 21331, 21360, 21368, and 21370 of the Government Code, to renumber Section 20024.01 thereof, as added by Chapter 1186 of the Statutes of 1953, to be Section 20024.001 thereof, and to add Section 21360.5 thereto, all relating to the State Employees' Retirement System.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 20016 of the Government Code is amended to read:

"Prison member"

20016. "Prison member" includes all members appointed by the Director of Corrections and employed in the state prisons or institutions and all parole officers appointed by the Adult Authority under the State Civil Service Act, the Chief State Parole Officer and parole officers appointed by the Board of Trustees of the California Institution for Women.

Except as expressly otherwise provided, the provisions of this part applicable to state miscellaneous members apply to prison members.

SEC. 2. Section 20024 of said code is amended to read:

"Final compensation" Local member

20024. For a local member who is an employee of a contracting agency which is subject to the provisions of this section, "final compensation" means the highest average annual compensation earnable by a member during any period of five consecutive years during his membership in the system, including any or all of such period or periods of (a) service required for qualification for membership, or (b) prior service which qualifies for credit under this system, if any, immediately preceding membership, or (c) time prior to entering state service at the compensation earnable by him in the position first held by him in such service, as may be necessary to complete five consecutive years. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of five consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation. Time during which a member is in state service

and is also a member of another retirement system to which the State or the university contributes shall not be considered to be an absence for the purposes of Section 20023 nor to be a break in service for the purposes of this section, and the determination of the final compensation of such a member shall take into consideration his compensation earnable while he was a member of such other system.

SEC. 3. Section 20024.01, as added by Chapter 1687 of the Statutes of 1953, is amended to read:

Same State or local member

20024.01. For a state member, or for a local member who is an employee of a contracting agency which is subject to the provisions of this section, "final compensation" means the highest average annual compensation earnable by a member during any period of three consecutive years during his membership in the system, including any or all of such period or periods of (a) service required for qualification for membership, or (b) prior service which qualifies for credit under this system, if any, immediately preceding membership, or (c) time prior to entering state service at the compensation earnable by him in the position first held by him in such service, as may be necessary to complete three consecutive years. For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in computation of final compensation. If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months shall be included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation. Time during which a member is in state service and is also a member of another retirement system to which the State or the university contributes shall not be considered to be an absence for the purposes of Section 20023 nor to be a break in service for the purposes of this section, and the determination of the final compensation of such a member shall take into consideration his compensation earnable while he was a member of such other system.

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

SEC. 4. Section 20024.01, as added by Chapter 1186 of the Statutes of 1953, is renumbered:

Computation of disability retirement allowance

20024.001. In the computation of the disability retirement allowance payable upon the retirement of a member for industrial disability, final compensation shall be determined only with respect to compensation earnable in the membership category applicable to the member at the time of the injury or the onset of the disease causing the disability.

SEC. 5. Section 20203 of said code is amended to read:

Interest on deposits

20203. Interest earned on any cash deposit in a bank by the Treasurer and income on other assets constituting a part of the fund shall be credited to the fund as received. Income, of whatever nature, earned on the Retirement Fund during any fiscal year, in excess of the interest credited to contributions during that year shall be retained in the fund as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies. The board, however, may apply to reduce the book value of securities purchased all or part of the excess of the proceeds of the sale or the redemption prior to maturity of securities over the book value of the securities sold (a) if the purchase of securities is made with those proceeds and (b) if the terms of both securities from the date of sale, redemption prior to maturity, or purchase, as the case may be, to the respective dates of maturity do not differ by more than five years. All applications of such excess proceeds, even with greater differences in terms, heretofore made by the board are hereby validated and confirmed.

SEC. 6. Section 20302.5 of said code is amended to read:

Date of membership Employee of contracting agency

20302.5. An employee of a contracting agency on the effective date of its contract with the board who has been employed by the contracting agency for at least six months, uninterrupted by a break of more than one month, becomes a member on the effective date of the contract.

SEC. 7. Section 20303 of said code is amended to read:

Same Other employees

20303. Every other employee becomes a member on the first day of the calendar month next following the completion of six months, uninterrupted by a break of more than one month, of employment by the State or by a contracting agency; provided, that absence for military service shall not be considered a break for the purpose of this section.

SEC. 8. Section 20520 of said code is amended to read:

Inclusion of local members

20520. All members of a local system included by contract in this system thereupon become subject to this part and cease to be members of the local system. Payments being made to pensioners or annuitants of the local system on the effective date of the contract shall be continued and paid by this system at their rates existing on such date. The liability for such payments shall be included in the computation of the prior service liability of the contracting agency.

SEC. 9. Section 20831 of said code is amended to read:

Credit for prior service

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 rendered as a state member.

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. 10. Section 20834.1 of said code is amended to read:

Same: Local members having 10 years' service

20834.1. Credit for prior service rendered as an employee of a contracting agency shall be granted to each local 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 rendered as an employee of that agency.

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.

Limitation

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. 11. Section 21295 of said code is amended to read:

Disability retirement allowance

21295. Every state member retired for disability for whom a different disability retirement allowance is not prescribed by any other provision of this article, and, except as otherwise provided in Section 21290.5, every patrol, forestry, or warden member retired for nonindustrial disability 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 retirement; and

(b) If, in the opinion of the board, his disability is not due to intemperance, wilful misconduct or violation of law on his part, a disability retirement pension derived from the contributions of the State.

SEC. 12. Section 21331 of said code is amended to read:

Time of election

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 or, in event of a change of retirement status after retirement, prior to the making of the first payment on account of any retirement allowance following the change in retirement status. "Change in retirement status"

"Change in retirement status"

includes but is not limited to change from service to disability retirement, from disability retirement to service retirement, from nonindustrial disability retirement to industrial disability retirement, or from industrial to nonindustrial disability retirement. 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 if no part of the allowance of the member is automatically continued by this part after his death and regardless of election as to optional settlements, 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.

SEC. 13. Section 21360 of said code is amended 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 has not elected optional settlement 2 or 3 or an optional settlement 4 involving payment of an allowance throughout the life of a beneficiary 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 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 or 3 or an optional settlement 4 involving payment of an allowance throughout the life of a beneficiary 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.

Basic or special death benefit

SEC. 14. Section 21360.5 is added to said code, to read:

21360.5. If a member who has been retired for service because he has attained the mandatory age of retirement applicable to members of his category dies within 30 days after the date upon which his retirement was mandatory, and with-

Death of member not making election etc

out having elected an optional settlement 2 or 3 or an optional settlement if involving payment of an allowance throughout the life of a beneficiary under Article 4 of Chapter 9, and if no part of the allowance of the member is automatically continued by this part after his death, his death shall be considered as that of a member before retirement, and the basic death benefit shall be payable, or, if the circumstances are such that a special death benefit would be payable if the death had occurred prior to retirement, the special death benefit shall be payable.

SEC. 15. Section 21368 of said code is amended to read:

Unpaid benefits at death Payment to next of kin

21368. If any benefit is payable by this system to the estate of a deceased person, whether because the estate is the beneficiary of the person or because no beneficiary was designated or because an allowance payable to the person had accrued and remained unpaid at the date of the death, and the estate would not be probated if no amount were due from this system, then such benefit shall be paid directly without probate to the surviving next of kin of the deceased, or the guardians of such survivors' estates, share and share alike.

Such payment shall be made in the same order in which the following groups are listed:

1. Husband or wife,
2. Children,
3. Father and mother,
4. Grandchildren,
5. Brothers and sisters,
6. Nieces and nephews

SEC. 16. Section 21370 of said code is amended to read:

Payment to funeral director

21370. If any benefit is payable by this system to the estate of a deceased person, and the estate would not be probated if no amount were due from this system, but there is no surviving person in any of the groups specified in Section 21368, or if the designated beneficiary cannot be found by the board, the board may in its discretion pay to the funeral director who conducted the funeral, or to any person or organization that has paid the funeral director from his or the organization's funds, all or a portion of any amount payable under this system to such estate or to such beneficiary, but not more than the expenses of the funeral or the portion of such expenses paid by the person or organization, as evidenced by the sworn itemized statement of the funeral director 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.

Operative date

SEC. 17. This act shall become operative on the first day of the month next succeeding its effective date, unless its effective date is the first day of the month, in which case it shall become operative on its effective date.

CHAPTER 1706

An act to amend Section 55916 of the Water Code, relating to county waterworks districts.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 55916 of the Water Code is amended to read:

55916. The board may upon the dissolution of the district convey all or any portion of the property of the dissolved district and all or any portion of the property which was acquired for the district to any irrigation district or city which includes within its boundaries at least three-fourths of the land constituting the district prior to its dissolution, for the use and benefit of the land. The conveyance may be made without compensation for the property conveyed. "Property" as used in this section includes ditches, canals, pipelines, pumping plants, equipment, funds and all other property both personal and real.

CHAPTER 1707

An act to amend Section 19081 of the Revenue and Taxation Code, relating to residence for personal income tax purposes.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 19081 of the Revenue and Taxation Code is amended to read:

19081. 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 of this State to prevent or enjoin the assessment or collection of any tax under this part; provided, however, that any individual after protesting a notice or notices of deficiency assessment issued because of his alleged residence in this State and after appealing from the action of the Franchise Tax Board to the State Board of Equalization, may within 60 days after the action of the State Board of Equalization becomes final commence an action, on the grounds set forth in his protest, in the Superior Court of the County of Sacramento, in the County of Los Angeles or in the City and County of San Francisco against the Franchise Tax Board to determine the fact of his residence in this State during the year or years set forth in the notice or notices of deficiency assessment. No tax under this part based solely upon the residence of such an individual

shall be collected from such individual until 60 days after the action of the State Board of Equalization becomes final and, if he commences an action pursuant to this section, during the pendency of such action, other than by way of or under the jeopardy assessment provisions of this part.

CHAPTER 1708

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 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 10407 of the Government Code is amended to read:

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 nine hundred dollars ($1,900) annually as its proportionate share of the expenses of the National Conference of Commissioners on Uniform State Laws.

SEC. 2. The sum of seven hundred dollars ($700) is hereby appropriated out of the General Fund in the State Treasury for additional support, during the 1955-56 Fiscal Year, of the Commission on Uniform State Laws in augmentation of the Budget Act of 1955, to carry out the provisions of this act.

CHAPTER 1709

An act to provide for meeting the building needs of the State by the adoption of a general construction program, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California, and by providing for the handling and disposition of said funds, and making an appropriation therefor.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

Short title

SECTION 1. This act shall be known, and may be cited, as the State Construction Program Bond Act of 1955.

Purpose

SEC. 2. The primary purpose of this act is to provide the necessary funds to meet the major building construction, equipment and site acquisition needs for the departments of the State Government which are financed primarily from general revenues rather than from special funds, as more particularly described in the report submitted by the Department of Finance pursuant to Senate Resolution No. 15 of the 1954 First Extraordinary Session, entitled "Report on State Building Construction Program," which report was transmitted to the Senate by letter of transmittal printed in the Senate Journal for January 20, 1955, at page 608 and ordered printed in the Appendix to the Journal. Nothing in this act is intended to prevent the Legislature from deviating from the specific projects mentioned in said report in utilizing the proceeds of the bonds herein authorized; provided, such funds are not used for purposes specifically excluded from the program contemplated by said report or for purposes not reasonably related thereto. Nothing in this act is intended to bind the Legislature to follow the system of priorities contained in said report. The sum of not less than sixty million dollars ($60,000,000) from the proceeds of the sale of bonds pursuant to this act shall be available for expenditure for major building construction, equipment and site acquisition for state colleges now or hereafter established.

Bonds

SEC. 3. Bonds in the total amount of two hundred million dollars ($200,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in Section 2 of this act. Said bonds shall be known and designated as State Construction Program bonds and, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California are hereby pledged for the punctual payment of both principal and interest on said bonds as said principal and interest become due and payable.

Appropriation

SEC. 4. There is hereby appropriated from the General Fund in the State Treasury such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to this act, as such principal and interest become due and payable. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, such sum in addition to the ordinary revenues of the State as shall be required to pay the principal and interest on said bonds maturing in said year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

State Construction Program Fund

SEC. 5. The State Construction Program Fund is hereby created as a special fund in the State Treasury. The proceeds

of bonds issued and sold pursuant to this act, together with interest earned thereon, if any, shall be deposited in said fund. The money in the fund may be expended only for the purposes specified in this act and only pursuant to appropriation by the Legislature in the manner hereinafter prescribed.

Budget Bill

SEC. 6. A section shall be included in the Budget Bill for each fiscal year bearing the caption State Construction Bond Act Program. Said section shall contain proposed appropriations only for the program contemplated by this act, and no funds derived from the bonds authorized by this act may be expended pursuant to an appropriation not contained in said section of the Budget Act. The Department of Finance, which is hereby designated as the board for the purposes of this act, shall annually total the Budget Act appropriations referred to in this section and, pursuant to Section 16730 of the Government Code, request the State Construction Program Committee to cause bonds to be issued and sold in quantities sufficient to carry out the projects for which such appropriations were made.

Preparation, etc., of bonds

SEC. 7. The bonds authorized by this act shall be prepared, executed, issued, sold, paid and redeemed as provided in the State General Obligation Bond Law (Chapter 4 of Part 3, Division 4, Title 2 of the Government Code), and all of the provisions of said law are applicable to said bonds and to this act, and are hereby incorporated in this act as though set forth in full herein.

State Construction Program Committee

SEC. 8. The State Construction Program Committee is hereby created. The committee shall consist of the Governor, the State Controller, the State Treasurer, the Director of Finance, and the Director of Public Works. For the purpose of this act the State Construction Program Committee shall be "the committee" as that term is used in the State General Obligation Bond Law.

Appropriation

SEC. 9. The sum of seventy-five thousand dollars ($75,000) is hereby appropriated from the General Fund to pay the expenses incurred by the State Treasurer in preparing and advertising the sale or prior redemption of bonds issued pursuant to this act, to defray expenses incurred by the State Construction Program Committee pursuant to Section 16758 of the Government Code, and for the payment of legal services, upon approval of the State Board of Control, pursuant to Section 16760 of said code. Out of the first money realized from the sale of bonds issued pursuant to this act there shall be redeposited to the credit of the appropriation made by this section such sums as have been expended for the purposes specified in this section. The amounts so redeposited may be used for the same purposes whenever additional sales of bonds

are made pursuant to this act. The appropriation made by this section is made without regard to fiscal years but, when all the bonds authorized by this act have been sold, the unexpended and unobligated balance of this appropriation shall revert to the General Fund.

CHAPTER 1710

An act to amend Sections 1510 and 1511, of the Welfare and Institutions Code, relating to aid to needy children.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1510 of the Welfare and Institutions Code is amended to read.

Amount of aid

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-five dollars ($45) 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-seven dollars and fifty cents ($67.50) 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. 2. Section 1511 of said code is amended 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

Increase or decrease of aid

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.

State and county shares

(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-seven dollars and fifty cents ($67.50) 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-five dollars ($45) per month or portion of a month for any needy child who has such county residence.

CHAPTER 1711

An act to add Section 12164.5 to the Government Code, relating to microfilming and disposition of articles of incorporation and other corporate documents and records by the Secretary of State, and making an appropriation therefor.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 12164.5 is added to the Government Code, to read:

12164.5. The Secretary of State may cause to be returned to the corporation to which they relate, or to be destroyed,

the articles of incorporation and other corporate records filed in his office by any corporation, domestic or foreign, if the Secretary of State complies with both of the following requirements:

(a) He maintains for the use of the public a microphotographic film print or copy of each document, record, instrument, or paper so returned or destroyed, prepared in accordance with the procedure specified in Sections 1920b and 1923 of the Code of Civil Procedure.

(b) He 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.

SEC. 2. The sum of forty-three thousand dollars ($43,000), or so much thereof as may be necessary, is hereby appropriated from the General Fund to the Secretary of State, in augmentation of any moneys otherwise made available to him by the Budget Act of 1955, to be expended during the 1955-56 Fiscal Year to carry out the provisions of Section 12164.5 of the Government Code.

CHAPTER 1712

An act to add Section 35009 to the Government Code, relating to annexation of territory to cities.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 35009 is added to the Government Code, to read:

35009. Any territory which is by consent of the owners zoned and restricted for agricultural purposes exclusively pursuant to a master plan for land use in any county shall not, while it is so zoned, be annexed to a city pursuant to Articles 2 or 5, without the consent of the owners of the land in the territory.

This section shall apply only to counties which have, on or before December 31, 1954, adopted a master plan for land use which includes provision for the zoning and restricting of areas for exclusively agricultural purposes, and this section shall apply to any territory which is so zoned and restricted pursuant to such plan before or after such date.

This section shall not be construed and is not intended to prevent the annexation of roads.

This section shall be effective until the ninety-first day after final adjournment of the 1957 Regular Session of the Legislature.

CHAPTER 1713

An act to amend Section 20016 of Government Code, relating to the State Employees' Retirement System.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 20016 of the Government Code is amended to read:

20016. "Prison member" includes the Director of Corrections and all state employees appointed by the Governor or by the Director of Corrections and employed in the state prisons or institutions of the Department of Corrections, and all parole officers appointed by the Adult Authority under the State Civil Service Act, the Chief State Parole Officer and parole officers appointed by the Board of Trustees of the California Institution for Women.

Except as expressly otherwise provided, the provisions of this part applicable to state miscellaneous members apply to prison members.

CHAPTER 1714

An act to amend the second Section 2 of Chapter 1649, Statutes of 1953, relating to the State Employees' Retirement System.

In effect September 7 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. The second Section 2 of Chapter 1649, Statutes of 1953, is amended to read:

Sec. 3. The Board of Administration of the State Employees' Retirement System is authorized to invest, in accordance with Section 20215 of the Government Code, not to exceed seven hundred thousand dollars ($700,000) for the acquisition of a site, pursuant to the Property Acquisition Act, and the preparation of preliminary plans for an office building for said agency.

CHAPTER 1715

An act to amend Section 18901 of the Health and Safety Code, relating to the State Building Standards Commission.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 18901 of the Health and Safety Code is amended to read:

18901. The commission shall adopt, amend and publish a single code of all administrative regulations of state agencies defining building standards, and may include, amend and publish therein portions of said administrative regulations or of applicable building codes by means of reference, index or digest, as the commission may direct.

CHAPTER 1716

An act to amend Section 16252 of the Education Code, relating to transportation of school pupils.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 16252 of the Education Code is amended to read:

16252. In order to procure the service at the lowest possible figure consistent with proper and satisfactory service, the governing board shall, whenever an expenditure of more than one thousand dollars ($1,000) is involved, secure bids pursuant to Sections 18051 and 18052 of this code whenever it be contemplated that a contract may be made with a person or corporation other than a common carrier or a parent or guardian of the pupils to be transported. The governing board may let the contract for the service to other than the lowest bidder. No board shall make any purchase or enter into any contract for the service without securing the written approval of the county superintendent of schools.

CHAPTER 1717

An act to add Sections 92.6, 92.7 and 92.8 to the Agricultural Code, creating a Fairs Classification Committee, prescribing its powers and duties and the powers and duties of the department of Finance in relation to agricultural fairs and making an appropriation.

In effect September 7, 1955

[Approved by Governor July 6, 1955 Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 92.6 is added to the Agricultural Code, to read:

Statement of operations

92.6. Every agency conducting a fair for which an apportionment is sought under the provisions of Section 92 shall file a detailed statement of its operations in the then current calendar year with the Department of Finance on or before the first day of December in each year. The content and form of such statement shall be prescribed by said department.

SEC. 2. Section 92.7 is added to said code, to read:

Fairs Classification Committee

92.7. There is hereby created the Fairs Classification Committee which shall consist of the following:

(a) The Director of Finance or a person nominated by him who shall be an employee of the Department of Finance, excluding employees in the Division of Fairs and Expositions of said department.

(b) The Chief of the Division of Fairs and Expositions or person nominated by him who is an employee of the said division.

(c) Seven members consisting of one member from each of the following areas:

Area 1. Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, and Sierra Counties.

Area 2. Butte, Yuba, Sutter, Glenn, Colusa, Yolo, Sacramento, and Solano Counties.

Area 3. Del Norte, Humboldt, Mendocino, Lake, Sonoma, Napa, and Marin Counties.

Area 4. El Dorado, Amador, Calaveras, Tuolumne, Mariposa, Nevada, and Placer Counties.

Area 5. San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern Counties.

Area 6. San Francisco, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, and San Luis Obispo Counties.

Area 7. Santa Barbara, Ventura, Los Angeles, Orange, San Diego, Imperial, San Bernardino, Inyo, Mono, Alpine, and Riverside Counties.

Appointment of members

In each area and prior to October 15th of each year the board of directors of each district agricultural association and the board of supervisors of each county in which a county fair is conducted shall appoint one person as its representative at

the meetings hereinafter provided for and shall notify the Chief of the Division of Fairs and Expositions of the name and address of the person so appointed.

Meetings

In November of each year the Chief of the Division of Fairs and Expositions shall fix a time and place of meeting in each area and shall notify the representatives appointed in said area of such time and place. The chief, or an employee of the division designated by him, shall preside at each such meeting. At the meeting, the representatives appointed in the area shall select one person who shall become a member of the Fairs Classification Committee and who shall serve as such until his successor is selected and qualifies.

Legislative investigating committee

(d) One Member of the Senate and one Member of the Assembly, appointed in accordance with the rules of the respective houses, shall meet with and participate in the affairs of said Fairs Classification Committee to the extent that such participation is not incompatible with their respective positions as Members of the Legislature. Said Senator and Member of the Assembly shall constitute a legislative investigating committee on the subject of agricultural fairs and shall have all the powers conferred upon such a committee by the Joint Rules of the Senate and the Assembly as said rules exist from time to time.

Compensation

The members of the Fairs Classification Committee shall serve without compensation for their services as such members but may be reimbursed for their traveling expenses from any money available for the support of such committee.

SEC. 3. Section 92.8 is added to said code, to read:

Annual meetings of committee

92.8. The Fairs Classification Committee shall meet annually in January of each year. It shall review the statements of operation filed by the several fairs pursuant to Section 92.6. It shall consider such reports, statistics and other information as to the conduct, operation, management of, and other matters relating to fairs for which an apportionment of state money is being sought.

Classification of fairs

The committee shall classify all of such fairs. In making such classifications the committee shall take into consideration all of the following:

(a) The type and class of agricultural, including livestock, industrial and natural resources exhibited and the amount of premiums paid in accordance with the approved premium list of such fair.

(b) Whether the fair is regional in nature, offers a special feature for agriculture, livestock or industry, or is a sectional fair limiting exhibits to the region in which the fair is held.

(c) The ratio of attendance at the fair to the population of the area served by it.

(d) The efficiency of management, including operational procedures, revenue from sources other than the State, quality of exhibits and community interest in such fair.

(e) The extent and nature of interim utilization of fair property as promoted by the fair management.

(f) The need of the fair for money from state sources.

Appropriation

SEC. 4. The sum of three thousand dollars ($3,000) is hereby appropriated from any moneys in the Fair and Exposition Fund available for capital outlay for fair purposes under paragraph (e) of Section 19626 of the Business and Professions Code for the support of the Fairs Classification Committee, to be expended during the 1955-56 and 1956-57 Fiscal Years.

CHAPTER 1718

An act to amend Section 961 of the Agricultural Code, relating to seed potato certification, and making an appropriation.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 961 of the Agricultural Code is amended to read:

961. The director shall promote and protect the potato industry of California, and establish and enforce such rules and regulations as he deems necessary for the examination and certification of potatoes grown within the State, to produce improved varieties or a higher quality of seed potatoes. He shall issue to each grower a certificate showing the variety, quality and freedom from insect pests and diseases of the seed crop examined, and each certificate shall show the number of acres of seed potatoes so certified. All such certified seed potatoes shall be labeled with a tag attached to each container indicating compliance with the requirements of this section. The director shall establish a reasonable schedule of fees for the services provided in this section, which schedule shall be based upon the approximate cost of the service rendered. The director shall compile a list of all growers of certified seed potatoes and shall furnish copies of same upon request.

It shall be unlawful to sell potatoes grown in this State as certified seed potatoes unless such potatoes shall have been inspected and certified by the director as herein provided.

All money received under this section shall be paid into the Department of Agriculture Fund to be expended in carrying out the provisions of this section and Sections 962, 963, and 964.

SEC. 2. There is hereby appropriated out of the General Fund in the State Treasury to be paid into the Department of Agriculture Fund to be used in carrying out the provisions of Sections 961, 962, 963, and 964 of the Agricultural Code a sum of money which shall be equivalent to the balance remaining after deducting from all money derived under Section 961 of the Agricultural Code and paid into the General Fund, all money expended from the General Fund to carry out the provisions of Sections 961, 962, 963, and 964 of the Agricultural Code.

CHAPTER 1719

An act to amend Sections 2160 and 2160.5 of the Welfare and Institutions Code, to repeal Section 2160.7 of said code, and to add Sections 2160.1, 2160.2, 2160.3, and 2160.4 to said code, relating to eligibility for aid under Old Age Security Law.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955]

In effect September 7, 1955

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:

Persons eligible for aid

2160. Aid shall be granted under this chapter to any person who comes within all of the following descriptions:

(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;

(b) Who is a citizen of the United States;

(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;

(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;

(e) Who is not 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 provided 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; provided further, that during such time as the additional federal funds made available for that purpose by federal legislation enacted in 1952 remain available, all persons cared for under a contract mentioned in the last preceding clause of this subdivision may be granted assistance for their personal and incidental expenses not to exceed fifteen dollars ($15) per month in lieu of the ten-dollar ($10) grant authorized by said last preceding clause, if the contract does not specifically provide for this need.

(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;

(g) Who has not made any voluntary assignment or transfer of property for the purpose of qualifying for such aid.

(h) Who is not a patient in a public institution for tuberculosis or mental disease.

(i) Who is not a patient in a public medical institution as the result of a diagnosis as having tuberculosis or psychosis.

(j) Who is not an inmate of a public institution of a custodial (nonmedical), penal or correctional character.

(k) Who is not an inmate of a federal medical institution.

SEC. 2. Section 2160.1 is added to said code, to read:

Inmates of public institutions.

2160.1. Any patient or inmate of a public institution who is not qualified for aid because of the provisions of subsections (h), (i), (j) or (k) of Section 2160 may make 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 a patient or inmate, and, if he is otherwise qualified under the terms of this chapter, such application shall be approved. The applicant may remain a patient or inmate of such institution until he receives his first monthly payment, whereupon he shall leave the institution.

SEC. 3. Section 2160.2 is added to said code, to read:

No county residence:

2160.2. For the purposes of this chapter, an applicant for or recipient of aid under this chapter who is an inmate and patient in a state institution shall be deemed to be a person who has no county residence as provided in this chapter for such time as he remains an inmate and patient in a state institution.

SEC. 4. Section 2160.3 is added to said code, to read:

2160.3. When a recipient has been a patient in a public medical institution for two calendar months, and it appears that he will remain a patient therein, part of the aid granted shall be paid to the institution for medical or remedial care in behalf of the patient. Payment directly to institution

When a patient in a public medical institution who meets all of the eligibility requirements for aid applies for aid and it appears that he will remain a patient therein, part of the aid granted shall be paid to the institution for medical or remedial care in behalf of the patient.

When an applicant or recipient leaves a public medical institution during the month, aid shall be paid directly to the recipient for the full month unless his application was filed during that month, in which case 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 aid commence prior to the date of application. Departure from institution

Nothing in this section shall be construed to prevent the applicant or recipient from exercising his free choice to leave the institution at any time.

SEC. 5. Section 2160.4 is added to said code, to read:

2160.4. The board of supervisors shall determine how much of the aid the applicant or recipient is entitled to be paid and how much shall be paid in his behalf for his care in the institution. Such determination shall be made in accordance with the standards and limits established by the State Social Welfare Board. Determination by board of supervisors

The allowance to the recipient shall be solely for personal and incidental expenses and shall be at least ten dollars ($10) but not to exceed fifteen dollars ($15) per month. Personal expense allowance

Notwithstanding any other provision of this chapter, all payments for medical care in a public medical institution in behalf of recipients of aid under this chapter shall be paid by the county directly to the governmental agency furnishing the care, and shall not be paid in advance of the furnishing of the care. Payment directly to institution

No claim shall be paid to any county under this section when reimbursement is claimed for any former recipient of aid to needy blind pursuant to Section 3044.1 of this code.

SEC. 6. Section 2160.5 of said code is amended to read:

2160.5. Aid shall be granted to any person who is an inmate of a home or institution maintained by any fraternal, benevolent, or other nonprofit organization if the organization has not been paid for the life care and maintenance of the person through assessment of or dues of said inmate or otherwise, whether or not the person has agreed or promised to pay for his maintenance in the event that he receives any pension, bequest, devise, or other inheritance. Inmates of other institutions

The county from which such inmate came to such home shall, for the purpose of this section, be considered the residence of such inmate to grant such aid.

SEC. 7. Section 2160.7 of said code is repealed.

Operative date

SEC. 8. This act shall become operative on the first day of the first calendar month next succeeding its effective date, unless its effective date is on the first day of a calendar month, in which case this act shall become operative on its effective date.

CHAPTER 1720

An act to amend Section 3044 of the Welfare and Institutions Code, and to repeal Section 3044.1 of said code, relating to the payments for aid to needy blind.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955]

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

SECTION 1. Section 3044 of the Welfare and Institutions Code is amended to read:

Inmates of public institutions

3044. No applicant shall receive aid under the provisions of this chapter who is a patient in a public institution for tuberculosis or mental disease, who is a patient in a public medical institution as the result of a diagnosis of tuberculosis or psychosis, who is an inmate of a public institution of a custodial (nonmedical), penal or correctional character, or who is an inmate of a federal medical institution.

Application, etc

Any such ineligible patient or 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 ineligible patient or 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.

If a recipient of aid becomes ineligible for aid due to confinement in an institution, the order of the board of supervisors suspending his aid may provide that the aid shall be restored when the recipient ceases to be an inmate, without further order from the board of supervisors.

No county residence

For the purposes of this chapter, an applicant for or recipient of aid under this chapter who is an inmate and patient in a state institution shall be deemed to be a person who has no county residence as provided in this chapter for such time as he remains an inmate and patient in a state institution.

Payment directly to institution

When a recipient has been a patient in a public medical institution for two calendar months, and it appears that he will remain a patient therein, part of the aid granted shall be

paid to the institution for medical or remedial care in behalf of the patient.

When a patient in a public medical institution applies for aid and it appears that he will remain a patient therein, part of the aid granted shall be paid to the institution for medical or remedial care in behalf of the patient.

Departure from institution

When an applicant or recipient leaves a public medical institution during the month, aid shall be paid directly to the recipient for the full month unless his application was filed during that month, in which case 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 aid commence prior to the date of application.

Nothing in this section shall be construed to prevent the applicant or recipient from exercising his free choice to leave the institution at any time.

Determination by board of supervisors

The board of supervisors shall determine how much of the aid the applicant or recipient is entitled to be paid and how much shall be paid in his behalf for his care in the institution. Such determination shall be made in accordance with the standards and limits established by the State Department of Social Welfare.

Personal expense allowance

The allowance to the recipient shall be solely for personal and incidental expenses and shall be at least ten dollars ($10) but not to exceed fifteen dollars ($15) per month.

Payment directly to institution

Notwithstanding any other provision of this chapter, all payments for medical care in a public medical institution in behalf of recipients of aid under this chapter shall be paid by the county directly to the governmental agency furnishing the care, and shall not be paid in advance of the furnishing of the care.

Repeal

SEC. 2. Section 3044.1 of said code is repealed.

CHAPTER 1721

An act to add Section 7391.5 to, and to amend Sections 7390, 7391, 7392, 7393, 7394, 7394.1, 7396, 7438, and 7442 of, the Business and Professions Code, relating to schools of electrology.

[Approved by Governor July 6, 1955 Filed with Secretary of State July 7, 1955]

In effect September 7, 1955

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

SECTION 1. Section 7390 of the Business and Professions Code is amended to read:

Schools of cosmetology and electrology

7390. Schools of cosmetology and schools of electrology shall be conducted as provided in this article.

SEC. 2. Section 7391 of said code is amended to read:

Application

7391. Any person, firm or corporation desiring to conduct a school of cosmetology or a school of electrology shall make an application to the board for a certificate of registration and license. The application shall be accompanied by the annual registration fee.

If the application is made between the first day of October and the first day of October following, there shall be paid to the board that portion of the registration fee which the unexpired number of months in the year bears to the entire year including the month in which the application is made and in such cases the board shall issue a license for the fractional part of the year.

SEC. 3. Section 7391.5 is added to said code, to read:

Separate schools

7391.5. Subject to the other requirements of this chapter governing the teaching of the subject of electrology, nothing in this chapter shall prevent or prohibit the establishment of any school of electrology separate and apart from any school of cosmetology. Licenses for the establishment of a school of electrology shall be governed by the same provisions relating to the establishment of a school of cosmetology, with the following exceptions:

(a) A minimum of five students shall be required for the establishment of a school of electrology.

(b) No applicant shall be granted a license to operate a school of electrology unless the proposed school has such floor space and equipment as the board may prescribe by rule or regulation is reasonably necessary to provide a proper place of instruction and training.

Every school of electrology shall, at all times, be in charge of and under the immediate supervision of a licensed electrology instructor, and every such school shall also have available, under such arrangement as may be required by the board, the services of a substitute licensed electrology instructor to take the place of the permanent instructor whenever the latter is not present to instruct and supervise the educational training of the students enrolled at the school.

SEC. 4. Section 7392 of said code is amended to read:

Authorization given by license, etc

7392. The certificate of registration and license authorizes the school of cosmetology or the school of electrology holding it to transact operations in this State during the year or fraction thereof for which it is issued, subject to the rules and regulations of the board.

Nothing in this article shall be construed as authorization or permission to conduct a school of cosmetology or a school of electrology without a valid, existing, and unexpired certificate of registration.

SEC. 5. Section 7393 of said code is amended to read:

Supervision

7393. Every school of cosmetology shall, at all times, be in charge of and under the immediate supervision of a licensed hairdresser and cosmetician or cosmetologist manager-operator, who has had at least a total of three years' practical

experience in the practice or teaching of all of the branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment or a licensed school of cosmetology and who holds an instructor's permit.

Instructors

Every person employed in a school of cosmetology to instruct students therein shall be a licensed hairdresser and cosmetician or cosmetologist (1) who has had either (a) one year of practical experience in all branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment or (b) 600 hours of teacher training in a school of cosmetology over a period of not less than four months and (2) who has passed an instructor's examination given by the board and has received an instructor's permit. In order to take the instructor's examination, the instructor's examination fee shall be paid.

All instructors shall be continuously engaged in teaching students in theoretical or practical work. Except when instructing a student and the student is doing the manual work, no instructor may practice upon a patron and any instructor who does so is subject to disciplinary action by the board.

Every school of cosmetology shall have at least two instructors and when the enrollment for either day or night school averages more than 50 students for a period of three months, an additional instructor shall be engaged for each three months' average of 25 students after the first 50.

Second inspection

Before any school of cosmetology license, as provided herein shall be finally granted, a second inspection shall be made after the equipment has been installed and before the school is permitted to begin operation.

Equipment, etc

No applicant shall be granted a license to operate a school of cosmetology unless, in the opinion of the board, sufficient equipment has been installed for the requirements of enrolling a minimum of not less than 25 bona fide students; and provided further, that the floor space shall provide a separate lecture room and a separate locker room with sufficient space for the proper placement of said equipment.

Statements as to ownership

No school of cosmetology shall be licensed until the board has had ample opportunity to verify sworn statements as to the actual ownership and in this respect, if false statements are submitted to the board in connection with said application, this in itself shall constitute sufficient grounds for the refusal to grant any application hereunder, or if an application is granted and thereafter the board discovers that false statements were made in connection therewith, this shall constitute sufficient grounds for the cancellation of said school of cosmetology license even though it is detected after a license has been issued.

Denial of license

The board reserves the right to deny a school of cosmetology license to any applicant who fails to present satisfactory evi-

dence of personal integrity and moral responsibility, and in the event that the said applicant is a corporation, this shall apply to all the officers thereof; provided further, that no school of cosmetology license shall be issued until the real owner files with the department a statement definitely designating who is authorized to accept service of notice from the said board and to transact all business negotiations in behalf of the said school, including answers to citations for hearing, and compliance with rulings issued by the said board.

No person, firm or corporation shall be granted a license to operate a school of cosmetology unless he first presents to the board 25 verified applications for enrollment as students for a course of training of the minimum number of hours and months required by this chapter.

Advertising

No school of cosmetology shall advertise student work to the public for pay through any medium including radio, unless the work advertised is expressly designated as student work.

SEC. 6. Section 7394 of said code is amended to read:

School term and course of instruction

7394. Every school of cosmetology shall maintain a school term of not less than 1,600 hours extending over a period of not less than nine months, and shall maintain a course of practical training and technical instruction, equal to the requirements for examination for a certificate of registration and license as a hairdresser and cosmetician or cosmetologist.

It shall include in its curriculum a course of shop deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public.

It shall so arrange the courses devoted to each branch or practice of cosmetology as the board may from time to time adopt as the course to be followed by the schools.

SEC. 7. Section 7394.1 of said code is amended to read:

Electrology course

7394.1. An electrology course established by a school of cosmetology or by a school of electrology shall consist of 500 hours of practical training and technical instruction which shall extend over a period of not less than four months. In no event shall the training extend over a period of more than 12 months from the date of initial enrollment.

The course shall be in accordance with a curriculum established by board regulation.

SEC. 8. Section 7396 of said code is amended to read:

Instructors

7396. Every school of cosmetology shall maintain licensed instructors competent to impart instruction in all branches or practices of cosmetology.

SEC. 9. Section 7438 of said code is amended to read:

Renewal, etc., of certificate

7438. Certificates of registration for cosmetological establishments and schools of cosmetology and schools of electrology expire on September 30th of each year. An application for renewal of a certificate shall be filed with the board during the month of August or September, accompanied by the an-

nual registration fee prescribed by this chapter. Thereupon the board shall renew the certificate for the ensuing year.

A certificate which has expired for failure of the registrant to renew within the time fixed by this section may for a period of one year thereafter be renewed upon the filing of an application in such form as the board may require and upon payment of the annual registration fee and the delinquency fee provided by this chapter. After one year from the date of its expiration, a certificate may not be renewed, and the establishment or school may again become entitled to a certificate only upon compliance with all of the provisions of this chapter relating to the original issuance of a certificate.

SEC. 10. Section 7442 of said code is amended to read:

7442. The amount of the fees required by this chapter is that fixed by the following schedule: Fees

(a) The fee for examination as a hairdresser and cosmetician or cosmetologist is ten dollars ($10).

(b) The fee for examination as an electrologist is ten dollars ($10).

(c) The fee for examination as a manicurist is five dollars ($5).

(d) The fee for registration and licensing a hairdresser and cosmetician or cosmetologist registered in another state is ten dollars ($10).

(e) The fee for registration and licensing an electrologist registered in another state is ten dollars ($10).

(f) The fee for registration and licensing a manicurist registered in another state is five dollars ($5).

(g) The application fee for a junior operator is two dollars ($2).

(h) The application fee for junior electrologist is two dollars ($2).

(i) The issuance fee for a duplicate license is one dollar ($1).

(j) The annual renewal fee for an individual license is two dollars ($2).

(k) The delinquency fee is one dollar ($1).

(*l*) The annual registration fee for a cosmetological establishment is three dollars ($3).

(m) The annual registration fee for a school of cosmetology, and for a school of electrology, is one hundred twenty-five dollars ($125).

(n) The fee for the instructors' examination is fifteen dollars ($15).

(o) The fee for an electrology instructor's examination is fifteen dollars ($15).

(p) The fee for examination as a permanent waver is five dollars ($5).

(q) The reinstatement fee is four dollars ($4).

CHAPTER 1722

An act to amend Sections 73912, 73913, and 73914 of, to add Sections 73915.1, 73923 and 73924 to, and to repeal Sections 73915, 73917, 73918, and 73919 of, the Government Code, relating to 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.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 73912 of the Government Code is amended to read:

Clerk

73912. There shall be one clerk, who shall receive a minimum salary of five hundred ninety-five dollars ($595) monthly, with semiannual increments of thirty-one dollars ($31), and thirty-four dollars ($34), and annual increments thereafter of thirty-six dollars ($36), and thirty-eight dollars ($38), to a maximum of seven hundred thirty-four dollars ($734) monthly.

SEC. 2. Section 73913 of said code is amended to read:

Deputy clerks

73913. The clerk may appoint:

(a) Three deputy clerks VI, each of whom shall receive a minimum salary of five hundred nine dollars ($509) monthly, with semiannual increments of twenty-seven dollars ($27), and twenty-nine dollars ($29), and annual increments thereafter of thirty dollars ($30), and thirty-one dollars ($31), to a maximum of six hundred twenty-six dollars ($626) monthly.

(b) Four deputy clerks V, each of whom shall receive a minimum salary of four hundred thirty-six dollars ($436) monthly, with semiannual increments of twenty-three dollars ($23), and twenty-five dollars ($25), and annual increments thereafter of twenty-five dollars ($25), and twenty-seven dollars ($27), to a maximum of five hundred thirty-six dollars ($536) monthly.

(c) Seven deputy clerks IV, each of whom shall receive a minimum salary of three hundred seventy-five dollars ($375) monthly, with semiannual increments of nineteen dollars ($19) and twenty dollars ($20), and annual increments thereafter of twenty-two dollars ($22), and twenty-three dollars ($23), to a maximum of four hundred fifty-nine dollars ($459) monthly.

(d) Ten deputy clerks III, each of whom shall receive a minimum salary of three hundred thirty-nine dollars ($339) monthly, with semiannual increments of seventeen dollars ($17), and nineteen dollars ($19), and annual increments thereafter of nineteen dollars ($19), and twenty dollars ($20), to a maximum of four hundred fourteen dollars ($414) monthly.

(e) Seventeen deputy clerks II, each of whom shall receive a minimum salary of two hundred ninety-one dollars ($291) monthly, with semiannual increments of fifteen dollars ($15), and seventeen dollars ($17), and annual increments thereafter of sixteen dollars ($16), and seventeen dollars ($17), to a maximum of three hundred fifty-six dollars ($356) monthly; provided, that not to exceed seven such deputy clerks may be assigned to perform duties as bail office tellers at additional compensation of one increment.

(f) Fifteen deputy clerks I, each of whom shall receive a minimum salary of two hundred fifty dollars ($250) monthly, with semiannual increments of fourteen dollars ($14), and twelve dollars ($12), and annual increments thereafter of fifteen dollars ($15), and fifteen dollars ($15), to a maximum of three hundred six dollars ($306) monthly.

SEC. 2.5. Section 73914 of said code is amended to read:

73914. The clerk may also appoint: Stenographers, clerks

(a) One legal stenographer, who shall receive a minimum salary of two hundred ninety-one dollars ($291) monthly, with semiannual increments of fifteen dollars ($15), and seventeen dollars ($17), and annual increments thereafter of sixteen dollars ($16), and seventeen dollars ($17), to a maximum of three hundred fifty-six dollars ($356) monthly.

(b) Two stenographers, each of whom shall receive a minimum salary of two hundred seventy-six dollars ($276) monthly, with a semiannual increment of fifteen dollars ($15), and annual increments thereafter of fifteen dollars ($15), and seventeen dollars ($17), to a maximum of three hundred twenty-three dollars ($323) monthly.

(c) One file clerk, who shall receive a minimum salary of two hundred thirty-eight dollars ($238) monthly, with semiannual increments of twelve dollars ($12), and fourteen dollars ($14), and annual increments thereafter of twelve dollars ($12), and fifteen dollars ($15), to a maximum of two hundred ninety-one dollars ($291) monthly.

SEC. 3. Section 73915 of said code is repealed. Repeal

SEC. 4. Section 73915.1 is added to said code, to read:

73915.1. All persons holding positions as deputy clerks immediately prior to the effective date of the amendment of Sections 73913 and 73914 as enacted during the 1955 Regular Session of the Legislature shall be assigned by the clerk to positions created by such an amendment without examination, subject to the approval of a majority of the judges and the civil service commission. In no circumstance shall an employee of the court have his salary range reduced below that salary range he was entitled to as a permanent employee before the effective date of this section. Assignment of deputy clerks

SEC. 5. Sections 73917, 73918, and 73919 of said code are repealed. Repeals

SEC. 6. Section 73923 is added to said code, to read:

73923. The date when each salary increment shall become effective shall be the first day of the month or the first business Effective date of salary increments

day following the first day of the month; otherwise it shall be the first day of the succeeding calendar month. Absences that interrupt continuous service shall be deducted from the period commencing with the actual date of employment in the position the employee is now occupying.

SEC. 7. Section 73924 is added to said code, to read:

"Night shift"

73924. The persons who are required by the clerk to work a "night shift" on each regular working day of a month are herewith allowed additional compensation, in addition to compensation otherwise provided for in this article, of one step on the Alameda County five-step pay schedule for each full month so worked, or at an hourly rate determined by dividing the appropriate additional monthly pay by 173.33 for each hour so worked when less than the regular number of working days of such month are so worked. For the purpose of this section a "night shift" is defined as meaning all time worked by a person required by the clerk to work at least five-eighths (⅝) of his normal daily tour of duty after 4.30 p.m. or before 8 a.m.

CHAPTER 1723

An act to amend Sections 7101.1 and 7101.2 of, and to add Section 7101.5 to, the Education Code, relating to the education of physically handicapped minors.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 7101.1 of the Education Code is amended to read:

7101.1. The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education to such district of educating physically handicapped minor pupils but not in excess of four hundred dollars ($400) for each unit of average daily attendance of physically handicapped minor pupils in the district during the next preceding fiscal year, and an additional amount not in excess of four hundred dollars ($400), or the cost to the district, whichever is the lesser, for each unit of average daily attendance of blind pupils, when a reader has actually been provided to assist him with his studies.

SEC. 2. Section 7101.2 of the said code is amended to read:

7101.2. County School Service Fund. The Superintendent of Public Instruction shall allow to the county school service fund of each county an amount equal to the excess current expense of education to the county superintendent of schools of educating physically handicapped minor pupils but not in excess of four hundred dollars ($400) for each unit of average daily attendance of physically handicapped minor pupils

educated by the county superintendent of schools during the preceding fiscal year, and an additional amount not in excess of four hundred dollars ($400), or the cost to the county superintendent, whichever is the lesser, for each unit of average daily attendance of blind pupils, when a reader has actually been provided to assist him with his studies.

SEC. 3. Section 7101 5 is added to said code, to read:

7101.5. The total amount which may be allowed to school districts and county superintendents of schools under Sections 7101.1 and 7101.2 for readers provided blind pupils to assist them with their studies shall not exceed twenty thousand dollars ($20,000) in any fiscal year. If the total amount which may be allowed under this section during any fiscal year is less than the total allowances computed under Sections 7101.1 and 7101.2 for that purpose, the amounts allowed shall be reduced proportionately.

CHAPTER 1724

An act to amend Sections 6801, 6804, 6805, 6815, 6826, 6827, 6829, 6832, 6834, 6836, 6871, 6872, 6873, 6874, and 6876 of, and to add Sections 6804.1, 6827.1, 6829.1, 6871.1, 6871.2, 6871.3, 6871.4, 6872.1, 6872.2, 6873.1, and 6873.2 to, the Public Resources Code, relating to oil, gas, and mineral leases of state lands.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 6801 of the Public Resources Code is amended to read:

6801. A lease or prospecting permit under this chapter shall be issued only to and held by:

Lease or prospecting permit issuance

(a) Persons or associations of persons who are citizens of the United States or who have declared their intention of becoming such, or who are citizens of any country, dependency, colony, or province, the laws, customs, and regulations of which permit the grant of similar or like privileges to citizens of the United States.

(b) Any corporation or corporations organized and existing under and by virtue of the laws of the United States or of any state or territory thereof; or any corporation or corporations 90 percent or more of the shares of which are owned by persons eligible to hold a lease or permit under subdivision (a) or (c) of this section; or any corporation or corporations 90 percent or more of the shares of which are owned either by a corporation eligible to hold a lease or permit hereunder, or by any combination of such eligible persons or corporations, or both.

(c) Any alien person entitled thereto by virtue of any treaty between the United States and the nation or country of which the alien person is a citizen or subject.

(d) In every case of joint bidding, the names of all persons, firms, or corporations interested in a particular joint bid shall be specified.

SEC. 2. Section 6804 of said code is amended to read:

Assigning, transferring, etc

6804. A lease or permit issued under this chapter may be assigned, transferred or sublet as to all or any part of the leased or permitted lands, and as to either a divided or undivided interest therein, or as to any separate and distinct zone or geological horizon or portion thereof, subject to approval by the commission, to any person, association of persons, or corporation, who at the time of the proposed assignment, transfer, or sublease, possesses the qualifications provided in this chapter. Any assignment, transfer or sublease shall take effect as of the first day of the month following the approval by the commission and filing with the commission of an executed counterpart thereof, together with any required bond and proof of the qualification, under this act and the rules and regulations of the commission, of the assignee, transferee or sublessee to take or hold such lease or permit or interest therein. Unless approved by the commission no assignment, transfer or sublease shall be of any effect. Upon approval of any assignment, transfer or sublease the assignee, transferee or sublessee shall be bound by the terms of the lease or permit to the same extent as if such assignee, transferee or sublessee were the original lessee or permittee, any conditions in the assignment, transfer or sublease to the contrary notwithstanding. Any assignment or transfer of a separate portion of any lease or permit or of a separate and distinct zone or geological horizon, or a portion thereof, shall segregate the assigned, transferred or subleased portion thereof from the retained portion thereof, and such approval shall release and discharge the assignor or transferor from all obligations thereafter accruing under said lease or permit with respect to the assigned or transferred lands or zones or horizons, and such segregated leases or permits shall continue in full force and effect for the primary term of the original lease or permit, but, in the case of any lease, for not less than two (2) years after the date of discovery of oil or gas in paying quantities, or commercially valuable deposit of minerals, upon any segregated portion of the lands or zones or horizons originally subject to such lease, and so long thereafter as oil or gas is produced in paying quantities. Assignments or transfers under this section may also be made with the approval of the commission of parts of leases which are in their extended term because of production, and the segregated lease of any undeveloped lands or zones or horizons shall continue in full force and effect for two (2) years and so long thereafter as oil or gas or minerals are produced in paying quantities from the segregated lease lands or zones or horizons.

SEC. 3. Section 6804.1 is added to said code, to read:

Quitclaim or relinquishment of rights

6804.1. Notwithstanding any provisions of this code to the contrary, a lessee may at any time make and file with the commission a written quitclaim or relinquishment of all rights under any lease or of any portion thereof comprising a 10-acre parcel or multiple thereof in a compact form, or of any separate or distinct zone or geological horizon or portion thereof underlying such 10-acre parcel or multiple thereof. Such quitclaim or relinquishment shall be effective as of the date of its filing, subject to the continued obligation of the lessee and his surety to make payment of all rentals and royalties theretofore accrued and to place all wells on the lands, or in the zones or horizons to be quitclaimed or relinquished, in condition for suspension or abandonment in accordance with the applicable lease terms and regulations; thereupon the lessee shall be released from all obligations thereafter accruing under said lease with respect to the lands, zones or horizons quitclaimed or relinquished, but no such quitclaim or relinquishment shall release such lessee or his surety from any liability for breach of any obligation of the lease with respect to which such lessee is in default at the time of the filing of such quitclaim or relinquishment.

SEC. 4. Section 6805 of said code is amended to read:

Cancellation of permit, etc

6805. The commission shall reserve and may exercise the authority to cancel any prospecting permit or lease upon which a commercially valuable deposit of minerals other than oil or gas has not been discovered or upon which oil or gas has not been discovered in paying quantities upon failure of the permittee or lessee (after 30 days' written notice and demand for performance) to exercise due diligence and care in the prosecution of the prospecting or development work in accordance with the terms and conditions of the permit or lease. After discovery of a commercially valuable deposit of minerals other than oil or gas on lands subject to any permit or lease issued pursuant to Section 6895, or after discovery of oil or gas in paying quantities on lands subject to any lease, such permit or lease may be forfeited and canceled only upon failure of the lessee after 90 days' written notice and demand to comply with any of the provisions of the permit or lease or of the regulations applicable thereto and in force at the date of the permit or lease; provided, however, that in the event of any such cancellation the lessee under any oil or gas lease shall have the right to retain under said lease any and all drilling or producing wells as to which no default exists, together with a parcel of land surrounding each such well or wells and such rights of way through the lease lands as may be reasonably necessary to enable such lessee to drill and operate such retained well or wells. In the event of the cancellation of any permit or lease the permittee or lessee shall have a reasonable time within which to remove any and all property, equipment and facilities owned or used by the permittee or lessee in connection with operations under the permit or lease. The com-

mission shall insert in every permit or lease issued under this chapter appropriate provisions for its cancellation in accordance with the provisions of this section.

SEC. 5. Section 6815 of said code is amended to read:

Compensation for drainage by private wells

6815. Whenever it appears to the commission that wells drilled upon private lands are draining or may drain oil or gas from lands owned by the State, the commission, in lieu of following the provisions of Section 6827, may negotiate and enter into agreements with the owners or operators of such wells on private lands for the payment of compensation to the State for such drainage.

SEC. 6. Section 6826 of said code is amended to read:

Surveys

6826. The commission, however, may permit geological or geophysical surveys on state lands and may grant permits therefor upon such terms and conditions as the commission shall specify by regulation, but any such permit shall not give the permittee any preferential right to an oil and gas lease. The taking of cores and other samples may be freely conducted on and under tide and submerged lands of the State; provided, that the commission may require that a permit first be obtained covering such types of drilling operations for the purpose of obtaining geological samples as the commission may determine by regulation, such permit to be issued upon such terms and conditions as the commission may specify by regulation, but any such permit shall not give the permittee any preferential right to an oil and gas lease.

SEC. 7. Section 6827 of said code is amended to read:

Leases for extraction of oil or gas

6827. Leases for the extraction and removal of oil and gas deposits may be made by the commission to the highest qualified bidder, or joint bidders, as provided in this chapter. Such a lease shall include all oil and gas deposits in the leased land and be for a term of 20 years and for so long thereafter as gas or oil is produced in paying quantities from the leased land, or lessee shall be diligently conducting producing, drilling, deepening, repairing, redrilling or other necessary lease or well maintenance operations on the leased land. Any lease heretofore issued under this chapter for a term of 20 years, or any renewal or extension thereof, may at any time or times prior to its expiration be extended upon such terms and conditions and for such period of time as the commission deems for the best interests of the State or as the Legislature may provide; provided further, that upon the lessee's timely application therefor the commission may issue a new lease in exchange for any lease issued for a term of 20 years, or any renewal or extension thereof; such new lease shall be issued at the same royalty and upon the same terms and conditions as the lease for which it is exchanged, unless the commission and the lessee shall otherwise agree, except that the term of such exchange lease shall be for a term of five years and for so long thereafter as oil or gas is produced in paying quantities, or lessee shall be conducting producing, drilling, deepen-

ing, repairing, redrilling or other necessary lease or well maintenance operations on the leased land.

State tide and submerged lands

When state tide and submerged lands offered for lease by the commission are lands not within the known geologic structure, as determined by the commission, of a producing oil or gas field at the date of issuance by the commission of an invitation to bid for an oil or gas lease thereon, the commission shall specify a flat-rate royalty to be paid under such lease of 12½ percent in kind, or of 12½ percent of the current market price or the price received for the production removed or sold from the leased land, subject to an allowance for oil treatment and dehydration of not to exceed five cents ($0.05) per net barrel for the royalty oil and shall specify a flat royalty of 10 percent of the current gross market value or price received for all dry gas, natural gasoline, and other products extracted and saved from the gas produced from the leased land, except gas used for lease use or reinjection in state lands, and an annual rental payment in advance of not to exceed one dollar ($1) for each acre of the land subject to the lease at the rental date. Unless the commission decides to reject all bids pursuant to Section 6836, the lease of the parcel or tract which is the subject of the bid shall be awarded to the qualified bidder who undertakes to pay the highest cash bonus in addition to satisfying the royalty and rental requirements and all other provisions of the lease.

State lands

When state lands, including tide and submerged lands, offered for lease by the commission are lands within the known geologic structure, as determined by the commission, of a producing oil or gas field at the date of issuance by the commission of an invitation to bid for an oil and gas lease thereon, the commission shall specify a fixed royalty on oil of not less than 16⅔ percent or a sliding scale royalty commencing at not less than 16⅔ percent up to a maximum percentage specified in the invitation to bid to be paid on the average production of oil per well per day under such lease, and a royalty of 15 percent as specified in the invitation to bid on dry gas, natural gasoline, and other products extracted and saved from the gas produced under such lease, except gas used for lease use or reinjection in state lands. Such royalties shall be paid in kind or as a percentage of the current market price at the well of, and of any premium or bonus paid on, the production removed or sold from the leased land, subject to a reasonable allowance for oil treatment and dehydration, and an annual rental payable in advance of not to exceed one dollar ($1) for each acre of the land subject to the lease at the rental date. Unless the commission decides to reject all bids pursuant to Section 6836, the lease of the parcel or tract which is the subject of the bid shall be awarded to the qualified bidder who undertakes to pay the highest cash bonus in addition to satisfying the royalty and rental requirements and all other provisions of the lease.

If, at any time or from time to time, before or after the expiration of the primary term of such lease, the leased lands

cease to produce oil or gas, the lease shall, nevertheless, continue in full force and effect if within six months after the cessation of production, or such longer period of time as the commission may authorize, lessee shall commence and thereafter prosecute with reasonable diligence drilling, deepening, repairing, redrilling or other operations which shall result in the restoration of production of oil or gas from the leased lands.

SEC. 8. Section 6827.1 is added to said code, to read:

Lease held by two or more persons

6827.1. Nothing contained in this chapter or any other law shall prevent or prohibit two or more persons who are individually eligible to hold a lease under this chapter from making a joint bid for any lease or leases offered under this chapter.

SEC. 9. Section 6829 of said code is amended to read:

Lease Contents

6829. Every oil and gas lease executed under this chapter shall include the following:

(a) Such terms, conditions, and provisions as will protect the interests of the State with reference to securing the payment to the State of the proper amount or value of production.

(b) Such terms, conditions and provisions as will protect the interests of the State with reference to the spacing of wells for the purpose of properly offsetting the drainage of oil and gas from state lands by wells drilled and operated on and within privately owned lands; diligence on the part of the lessee in drilling wells to the oil sands and requirements as to depth of such wells for the purpose of reaching the oil sands and producing oil and gas therefrom in commercial quantities.

(c) Provisions specifying methods of operation and standard requirements for carrying on operations in proper and workmanlike manner; the prevention of waste; the protection of the safety and health of workmen; and the liability of the lessee for personal injuries and property damage.

(d) Security for faithful performance by the lessee, including provisions for the forfeiture of the lease, as set forth in Section 6805, and the requirement that the lessee shall, at the time of execution of the lease, furnish and thereafter maintain a good and sufficient bond in such sum as may be specified by the commission, in favor of the State, guaranteeing faithful performance by the lessee of the terms, covenants, and conditions of the lease and of the provisions of this chapter.

(e) Such other covenants, conditions, requirements, and reservations as may be deemed advisable by the commission in effecting the purpose of this chapter and not inconsistent with any of its provisions; provided, that any provision of an oil and gas lease executed under this chapter which purports to deprive the State or a lessee of any right or benefit secured by law, or is otherwise inconsistent with the provisions of this chapter, shall be void, and shall be deemed separable from and without effect upon the valid provisions of such lease.

SEC. 10. Section 6829.1 is added to said code, to read:

6829.1. Every oil and gas lease, including leases of tide and submerged lands, executed under this chapter, shall specify a period of not to exceed five (5) years, as specified by the commission in the invitation for bids, subject to extension by the commission as provided in this chapter, as the drilling term of the lease within which the lessee may commence operations for the drilling of a well for oil or gas if the lease shall embrace lands which were not within the known geologic structure of a producing oil or gas field at the date of issuance by the commission of an invitation to bid for an oil and gas lease thereon, or a period, fixed by the commission, of not to exceed three years, subject to extension by the commission as provided in this chapter, as the drilling term of the lease within which the lessee may commence operations for the drilling of a well for oil or gas if the lease shall embrace lands which were within the known geologic structure of a producing oil or gas field at the date of issuance by the commission of an invitation to bid for an oil and gas lease thereon, and, in either case, providing that, if lessee fails to commence such operations and to thereafter diligently prosecute them, the lease shall terminate. Drilling term

SEC. 11. Section 6832 of said code is amended to read:

6832. For the purpose of more properly conserving the natural resources of any oil or gas pool or field, or any part thereof, lessees hereunder and their representatives may unite with each other jointly or separately, or jointly or separately with others owning or operating lands not belonging to the State, including lands belonging to the United States, in collectively adopting and operating under a cooperative or unit plan of development or operation of the pool or field, or any part thereof, whenever it is determined by the commission to be necessary or advisable in the public interest. The commission may, with the consent of the holders of leases involved, establish, alter, change, and revoke any drilling and production requirements of such leases, permit apportionment of production, and may make such regulations with reference to such leases, with like consent on the part of such lessees, in connection with the institution and operation of any such cooperative or unit plan, as the commission deems necessary or proper to secure the proper protection of the interests of the State. Cooperative development

SEC. 12. Section 6834 of said code is amended to read:

6834. Whenever the commission determines that lands shall be leased for oil and gas as provided in this chapter and when the form of lease therefor has been prepared by the commission, the commission shall give notice of intention to lease such lands. The notice shall be published in a newspaper of general circulation in the county in which the lands or the greater portion thereof are situated and shall state the time (which shall not be less than 14 days after the last date of publication of the notice) and place for receiving Notice.

and opening bids, a description of the lands, either as a tract or by parcels, whether the lands offered for lease are within or are not within the known geologic structure of a producing oil or gas field, and that the form of lease for the purpose of bidding may be procured at the designated office of the commission.

Publication

If the notice is published in a weekly newspaper, it must appear therein on at least two different days of publication and if in a newspaper published oftener, there must be at least five days from the first to the last day of publication, both days included.

SEC. 13. Section 6836 of said code is amended to read:

Bids

6836. At the time and place specified in the notice, the commission shall publicly open the sealed bids and shall award the lease for each parcel to the highest qualified bidder, unless in the opinion of the commission, the acceptance of the highest bid for any parcel or parcels is not for the best interests of the State, in which event the commission may reject all the bids for such parcel or parcels Thereupon new bids may be called for and the parcel or parcels for which the bids were rejected may be leased as herein provided.

SEC. 14. Section 6871 of said code is amended to read:

Tide, etc., lands

6871. Tide and submerged lands and beds of navigable rivers and lakes may be leased by the commission for the extraction of oil and gas in accordance with the provisions of this article and of this chapter insofar as not in conflict with the provisions of this article. No political subdivision of the State or any city or county or any official of either or any of them shall grant or issue any lease, license, easement, privilege, or permit vesting authority in any person to take or extract oil or gas from tide or submerged lands whether filled or unfilled of which the State is the owner or from which the State has the right to extract oil or gas, or both.

SEC. 15. Section 6871.1 is added to said code, to read:

6871.1. Except as provided in Section 6871.2 of this code, the tide and submerged lands of the State along the coast of the Pacific Ocean which may be leased pursuant to Section 6871.3 of this code for the production of oil and gas are those extending from the northerly city limits of the City of Newport Beach, Orange County, to the Town of Oceano, in the County of San Luis Obispo.

SEC. 16. Section 6871.2 is added to said code, to read:

Application of section

6871.2. Except as provided in Sections 6872 and 6872.1 of this code, the commission shall not enter into any lease for the extraction of oil and gas from state-owned tide and submerged lands within the areas to which this section is applicable.

The provisions of this section shall be applicable only to the lands within the following described areas, but shall not be construed so as to prohibit operations or activities under any state oil and gas leases of any portion or portions of the tide and submerged lands to which this section is applicable and which leases are in effect on January 1, 1955, nor to prohibit renewals

or extensions of any such leases in accordance with the provisions thereof.

(a) All those tide or submerged lands situated in the areas of the County of Los Angeles described as follows: County of Los Angeles

Area No. 1: Beginning at the point of intersection of the ordinary high water mark of the Pacific Ocean with the southerly point of Point Fermin; thence in a generally northerly and westerly direction along said ordinary high water mark to the Ventura county line; thence due south three nautical miles to a point in the Pacific Ocean; thence in a generally easterly and southerly direction parallel to said ordinary high water mark to a point in the Pacific Ocean three nautical miles due south from the point of beginning; thence due north to the point of beginning.

Area No. 2: The tide and submerged lands surrounding the Islands of San Clemente and Santa Catalina waterward of the ordinary high water mark of the Pacific Ocean on such islands to a distance three nautical miles therefrom.

(b) All those tide and submerged lands being in the County of Santa Barbara and lying within an area beginning at the point of intersection of the ordinary high water mark of the Pacific Ocean with the westerly line of that certain 408.60 acres, more or less, tract of land shown as belonging to the University of California, Santa Barbara College, upon that certain map thereof, recorded in Book 29 at page 143 Record of Surveys, in the Office of the Santa Barbara County Recorder; thence in a general easterly direction along said ordinary high water mark of the Pacific Ocean to a point distant 500 feet westerly from, measured at right angles thereto, the southerly prolongation of the easterly line of that certain tract of land deeded to Nino Brambilla, et ux., by that certain deed, recorded April 2, 1947, in Book 724 at page 353 of Official Records, in said county recorder's office; thence due south to a point in the Pacific Ocean three nautical miles from said ordinary high water mark; thence in a general westerly direction, parallel with the ordinary high water mark of the Pacific Ocean to a point due south from the point of beginning; thence due north to the point of beginning; County of Santa Barbara

(c) All those tide and submerged lands being in the County of San Luis Obispo and lying within an area beginning at a point on the ordinary high water mark of the Pacific Ocean at the center line of the pier at the Pismo Beach State Beach Park; thence southerly along the ordinary high water mark of the Pacific Ocean to a point 10 statute miles distant in a direct line from said point of beginning; thence on a line due west into the Pacific Ocean a distance of three nautical miles to a point; thence northerly on a line parallel to the ordinary high water mark of the Pacific Ocean to a point which lies due west a distance of three nautical miles from a point on the ordinary high water mark of the Pacific Ocean, which point is distant in a direct line one statute mile northerly from the intersection of the ordinary high water mark of the Pacific County of San Luis Obispo

Ocean with the center line of the pier in the State Beach Park at Cayucos; thence southerly along the ordinary high water mark of the Pacific Ocean to the point of beginning.

SEC. 17. Section 6871.3 is added to said code, to read:

6871.3. Whenever it appears to the commission that it is for the best interests of the State to lease lands subject to the provisions of Section 6871.1 of this code for the production of oil or gas therefrom, or whenever a person who possesses the qualifications provided in this chapter makes written request therefor, the commission may, subject to the provisions of Section 6871.4, offer the same for bidding at such times and in such parcels as the commission shall determine to be in the best interests of the State.

SEC. 18. Section 6871.4 is added to said code, to read:

Division into parcels, etc

6871.4. The commission may divide the lands within the area proposed to be leased into parcels of convenient size and shape and shall prepare a form of lease or leases therefor embracing not to exceed 5,760 acres in any one lease, and if the lands are not within the known geologic structure of a producing oil or gas field at the date of issuance by the commission of an invitation to bid for an oil and gas lease thereon, such lease shall embrace not less than 1,920 acres, or the whole thereof if less than 1,920 acres are available for leasing.

SEC. 19. Section 6872 of said code is amended to read:

Other tide and submerged lands

6872. Tide and submerged lands other than those which may be leased under Section 6871.1 and Section 6872.1, and beds of navigable rivers and lakes may be leased by the commission if the commission shall determine (1) that oil or gas deposits are believed to be contained in such lands, (2) that the same are being drained by means of wells upon adjacent lands, and (3) that the leasing of the same for the production of oil and gas will be in the best interests of the State.

SEC. 20. Section 6872.1 is added to said code, to read:

Draining by adjacent wells

6872.1. Whenever it appears to the commission that oil and gas deposits are known or believed to be contained in any such lands as are described in Section 6871.2, subdivision (b), of this code and are being drained by means of wells upon adjacent lands owned by others than the State, the commission shall thereupon be authorized and empowered to lease state-owned tide and submerged lands adjacent to any such wells for the production of oil and gas therefrom, either as a tract or in parcels of such size and shape as the commission shall determine but only within an area and to an extent necessary to offset such drainage of state-owned tide and submerged lands by any such wells upon adjacent lands owned by others.

SEC. 21. Section 6872.2 is added to said code, to read:

Slant-drilled wells

6872.2 If the commission determines that any tide and submerged lands belonging to the State in the area hereinafter referred to should be drilled pursuant to the terms of Section 6872 of this code, then, notwithstanding the provisions of Section 6874 of this code, in order to preserve and protect the highly developed recreational and residential area now re-

ferred to, the commission shall require that any well or wells drilled pursuant to the terms of any lease issued with respect to any part of the hereinafter described area be slant-drilled from an upland or littoral site to and into the subsurface of the tide or submerged lands covered by the lease. The area to which this section is applicable is the tide and submerged lands along the coast of the Pacific Ocean south of the northerly city limits of the City of Newport Beach in Orange County to the southerly boundary of the State.

SEC. 22. Section 6873 of said code is amended to read:

6873. When leasing tide or submerged lands, the commission shall prepare a form of lease which shall contain, in addition to other provisions deemed desirable and necessary by the commission, appropriate provisions contained in this chapter and the following: Lease contents

(a) Each well drilled pursuant to the terms of the lease may be drilled or slant-drilled to and into the subsurface of the tide or submerged lands covered by the lease from upland or littoral drill sites owned or controlled by the State or owned by or available to the lessee, or from drill sites located upon any filled lands heretofore or hereafter filled, whether contiguous or noncontiguous to the littoral lands or uplands, or from any pier heretofore or hereafter constructed owned by or available to the lessee and available for such purpose, or from platforms or other fixed or floating structures in, on or over the tide or submerged lands covered by the lease or otherwise available to the lessee.

(b) Pollution and contamination of the ocean and tidelands and all impairment of and interference with bathing, fishing or navigation in the waters of the ocean or any bay or inlet thereof is prohibited, and no oil, tar, residuary product of oil or any refuse of any kind from any well or works shall be permitted to be deposited on or pass into the waters of the ocean or any bay or inlet thereof.

(c) If the lessee, as disclosed by information submitted with his bid, proposes to drill one or more wells from filled lands, whether contiguous or noncontiguous to the littoral lands or uplands, or from any pier or from platforms or other fixed or floating structures to be constructed for such purpose, and if permission from any federal or state agency is legally required in order to construct any such filled land or structures, the lessee shall be allowed a reasonable time following the execution of the lease and prior to the commencement of the drilling term thereof within which to secure the necessary permission from such federal and state agencies as shall be legally required, and, upon the securing of such permission, a further reasonable time, determined with regard to the nature of the filled lands or structure or structures to be constructed, within which to commence operations for the drilling of such well or wells, and, if necessary, the drilling term of the lease shall be extended by the commission to the date to which the time to

commence operations for the drilling of such well or wells has been extended.

(d) Any offshore filled lands or structure or structures constructed for the purpose of drilling pursuant to this section shall conform to the rules and regulations of the commission in effect at the time of invitation for bids in pursuance of which the lease is awarded. Drilling, whether from upland, littoral or offshore locations, shall be conducted in conformance with such rules and regulations in effect at the time of invitation for bids in pursuance of which the lease is awarded.

SEC. 23. Section 6873.1 is added to said code, to read:

Filled lands

6873.1. Filled lands shall include, but not be limited to, tide or submerged lands reclaimed artificially through raising such lands above the highest probable elevation of the tides to form dry land, by placement of a fill or deposit of earth, rock, sand or other solid imperishable material. Such fill may be retained in place or protected by bulkheads, seawalls, revetments or similar enclosures and may be placed at any location approved by the commission under a lease heretofore or hereafter issued pursuant to this article.

SEC. 24. Section 6873.2 is added to said code, to read:

Notice, publication

6873.2. Before offering any tide or submerged land area for an oil and gas lease, the commission shall publish notice thereof, and any affected city or county may, within thirty (30) days after the publication of such notice, request in writing to the commission that a hearing be held with respect thereto. Upon receipt of such request, the commission shall hold such a hearing and give not less than ten (10) days written notice thereof to the city or county, or both such city and county, making such request, and to the Department of Natural Resources, and shall publish such notice. The commission in its discretion and irrespective of any such requests may hold such hearings as it shall determine. Published notices shall be given in the manner prescribed in Section 6834 of this chapter.

Hearing

Determination by commission

Within thirty (30) days after such hearing the commission shall determine to offer the land for lease, as provided under Sections 6871.3, 6872 and 6872.1, unless the commission shall determine that the issuance of a lease as to all or a part of such land would result in an impairment or interference with the developed shore line recreational or residential areas adjacent to the proposed leased acreage, or the commission may determine to offer such land for lease as to all or a part thereof and include in the offer for lease such reasonable rules and regulations which, in the opinion of the commission, are necessary for the exploration, development, and operation of said lease in a manner which will not impair or interfere with said developed shore line recreational or residential areas; provided, however, that no tide or submerged lands shall be offered for lease under any conditions, rules, or regulations which will result in a discrimination between bidders as prohibited by Section 6874.

The commission in determining whether the issuance of such lease or leases would result in such impairment or interference with the developed shore line, recreational or residential areas adjacent to the proposed leased acreage or in determining such rules and regulations as shall be necessary in connection therewith shall at said hearing receive evidence upon and consider whether such proposed lease or leases would Evidence

(a) Be detrimental to the health, safety, comfort, convenience, or welfare of persons residing in, owning real property, or working in the neighborhood of such areas;

(b) Interfere with the developed shore line, residential or recreational areas to an extent that would render such areas unfit for recreational or residential uses or unfit for park purposes;

(c) Destroy, impair, or interfere with the esthetic and scenic value of such recreational, residential or park areas;

(d) Create any fire hazard or hazards, or smoke, smog or dust nuisance, or pollution of waters surrounding or adjoining said areas.

Authority to hold the hearings provided in this section may be delegated by the commission to its officers or employees.

SEC. 25. Section 6874 of said code is amended to read:

6874. Each bid shall be accompanied by information giving a description of the location or locations, structure or structures, from which the bidder proposes to drill. In awarding a lease, the commission shall not discriminate between bidders by prohibiting drilling from upland or littoral drillsites, or drilling from sites upon filled lands, whether contiguous or noncontiguous to the littoral lands or uplands, or upon any pier or platform or other fixed or floating structure in, on or over tide and submerged lands with respect to which the State or other owner thereof has consented to such use; provided, however, that in the event state-owned tide or submerged lands are determined by the commission to contain oil or gas deposits which are being drained by wells owned by others upon adjacent lands, and such state-owned tide and submerged lands cannot be developed by a particular method of exploration, development or operation without interfering with or impairing developed shore line, recreational or residential areas, then the commission may offer and award an oil and gas lease on such lands with a prohibition against said particular method of exploration, development or operation. Awarding of lease

SEC. 26. Section 6876 of said code is amended to read:

6876. Should it appear to the commission that any person, association of persons, or corporation, has drilled, or is making preparation to drill, wells upon or into tide or submerged lands of which the State is the owner, or from which the State has the right to extract oil or gas or both, for the extraction of oil or gas therefrom, other than pursuant to authority granted in accordance with this chapter, whether or not such person, association of persons, or corporation may be acting under purported authority, the commission shall cause an Injunction

action to be instituted in the name of and upon behalf of the State in a court of appropriate jurisdiction, to enjoin the occupancy and operations upon or in such lands and to demand compensation for injury and damage, if any, to such lands; except that, should the drilling operations be conducted upon or in lands which have been filled and if such operations have been commenced prior to March 24, 1938, the commission, if it appears to be in the interests of the State, may, upon behalf of the State, issue a lease to any such person, association of persons, or corporation in accordance with the provisions of this chapter insofar as applicable, and upon a royalty basis, retrospective and prospective, which appears reasonable and just in the circumstances to the lessee and the State.

Exception

Severability

SEC. 27. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Short title

SEC. 28. This act shall be known and may be cited as the Cunningham-Shell Tidelands Act of 1955.

CHAPTER 1725

An act to amend Section 3572 of the Public Utilities Code, relating to regulation of highway carriers by the Public Utilities Commission.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 3572 of the Public Utilities Code is amended to read:

3572. Any highway carrier desiring a permit to operate as a highway contract carrier or a radial highway common carrier shall file a petition therefor with the commission. The petition shall set forth:

(a) The name and address of the applicant.

(b) The names and addresses of its officers, if any.

(c) Full information concerning the financial condition and physical properties of the applicant.

(d) Such other information necessary to the enforcement of this chapter as the commission may require.

Before a permit is issued, the commission shall require that the applicant establish financial responsibility. The commission may, with or without hearing, issue or refuse to issue the permit. If the commission finds that the applicant possesses the required financial responsibility to perform the operations proposed, it shall issue a permit. The commission may attach to the permit such terms and conditions as, in its judgment, are

required to assure protection to persons utilizing the operations.

Except as otherwise provided in this chapter, upon compliance by an applicant with this chapter, the commission shall issue a permit.

CHAPTER 1726

An act to add Section 11181.2 to the Education Code, relating to special books for pupils of the public schools whose vision is defective, and making an appropriation therefor.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 11181.2 is added to said code, to read:

11181.2. The State Board of Education shall provide adopted textbooks in large print for pupils enrolled in elementary schools whose vision acuity is 20/70 or less. For such purpose, the board may acquire such textbooks in any manner allowed by Section 11181.

SEC. 2. The sum of one hundred three thousand two hundred fifty dollars ($103,250), or so much thereof as necessary, is hereby appropriated to the Department of Education, for expenditure in acquiring textbooks in large print for pupils enrolled in the elementary schools whose vision acuity is 20/70 or less, from the amount appropriated by the Budget Act of 1955 to the Department of Education for "operating expenses and equipment" for the publishing, purchasing, and shipping of free textbooks.

CHAPTER 1727

An act to amend Section 996.14 of the Military and Veterans Code, relating to the armed forces of the State, and to military and veterans' affairs.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 996.14 of the Military and Veterans Code is amended to read:

996.14. With the approval of the Department of Finance and the California Veterans Board, the Public Works Board, pursuant to the provisions of the Property Acquisition Act, may acquire real property, and, after approval of preliminary plans under the procedure provided by Section 6 of the Budget Act of 1953, the department may construct and equip a building thereon, primarily for the department's own use and make improvements to such property, building, and equipment, not to exceed in total two million six hundred fifty thousand dollars ($2,650,000).

CHAPTER 1728

An act to amend Section 7442 of the Business and Professions Code, relating to cosmetology.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 7, 1955.]

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

SECTION 1. Section 7442 of the Business and Professions Code is amended to read:

7442. The amount of the fees required by this chapter is that fixed by the following schedule:

(a) The fee for examination as a hairdresser and cosmetician or cosmetologist shall be set by the board annually at not more than fifteen dollars ($15) and not less than five dollars ($5).

(b) The fee for examination as an electrologist shall be set by the board annually at not more than fifteen dollars ($15) and not less than five dollars ($5).

(c) The fee for examination as a manicurist shall be set by the board annually at not more than eight ($8) and not less than two dollars ($2).

(d) The application fee for a junior operator shall be set by the board annually at not more than four dollars ($4) and not less than one dollar ($1).

(e) The application fee for junior electrologist shall be set by the board annually at not more than four dollars ($4) and not less than one dollar ($1).

(f) The issuance fee for a duplicate license is one dollar ($1).

(g) The annual renewal fee for an individual license shall be set annually by the board at not more than five dollars ($5) and not less than one dollar ($1).

(h) The delinquency fee is one dollar ($1).

(i) The annual registration fee for a cosmetological establishment shall be set annually by the board at not more than five dollars ($5) and not less than two dollars ($2).

(j) The annual registration fee for a school of cosmetology shall be set by the board annually at not more than one hundred and fifty dollars ($150) and not less than one hundred dollars ($100).

(k) The fee for the instructors' examination shall be set by the board annually at not more than twenty dollars ($20) and not less than ten dollars ($10).

(*l*) The fee for an electrology instructor's examination shall be set by the board annually at not more than twenty dollars ($20) and not less than ten dollars ($10).

(m) The fee for examination as a permanent waver shall be set by the board annually at not more than eight dollars ($8) and not less than two dollars ($2).

(n) The reinstatement fee is twice the amount of the fee set by the board for the particular type of license involved for each year in which the license was not renewed or reinstated within the time prescribed by this article.

CHAPTER 1729

An act to add Sections 10209.1 and 10270.63 to the Insurance Code, relating to group insurance.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 10209.1 is added to the Insurance Code, to read:

10209.1. An individual certificate shall be individualized, except that in the case of an individual certificate issued under a group policy which requires no regular contribution toward the payment of the premium to be made by the employees covered thereunder, such individual certificate need not be individualized if it is in a form setting forth a clear statement of the conditions of eligibility from which the employee can determine the circumstances under which he is insured under the master policy.

An individual certificate shall be deemed to be "individualized," within the meaning of this section, if it contains either the name of the employee covered or some other means of identifying to the employee covered that it is his individual certificate.

SEC. 2. Section 10270.63 is added to the Insurance Code, to read:

10270.63. An individual certificate shall be individualized, except that in the case of an individual certificate under a group policy which requires no regular contribution toward the payment of the premium to be made by the individuals covered thereunder, such individual certificate need not be individualized if it is in a form setting forth a clear statement of the conditions of eligibility from which the person covered can determine the circumstances under which he is insured under the master policy.

An individual certificate shall be deemed to be "individualized," within the meaning of this section, if it contains either the name of the person covered or some other means of identifying to the individual covered that it is his individual certificate.

CHAPTER 1730

An act to establish a Citizens' Advisory Committee on Aging.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. To advise the Governor on the needs and problems of the aging citizens of California, he shall appoint a

Citizens' Advisory Committee on Aging to be composed of 12 persons, selected on the basis of their demonstrated interest in these problems. Two members of the committee shall be appointed from Members of the Senate and two members from Members of the Assembly. The committee shall be solely advisory in character, and shall not be delegated any administrative authority or responsibility. The Governor shall designate the chairman and vice chairman of the committee and committee members shall serve at the pleasure of the Governor. Committee members shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this act.

SEC. 2. There is hereby appropriated out of the General Fund in the State Treasury, the sum of ten thousand six hundred dollars ($10,600), for the purpose of carrying out the provisions of this act.

CHAPTER 1731

An act to amend Sections 27154, 27173.5 and 27176 of, to amend and renumber Section 27174, as added by Chapter 1350 of the Statutes of 1949, to be Section 27174.1 of, and to amend and renumber Section 27174, as added by Chapter 895 of the Statutes of 1949, to be Section 27174.2 of, and to add Section 27174.3 to, the Streets and Highways Code, relating to bridge and highway districts.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 27154 of the Streets and Highways Code is amended to read:

Powers of board

27154. Notwithstanding any contrary provision of law, or any limitation or restriction contained in any law, the board may:

(a) Invest and reinvest all or any part of lapsed, unallocated, unappropriated or other surplus moneys belonging to any fund of which the board has custody or control in bonds and other obligations for which the faith and credit of the United States of America are pledged or in any obligation, bond or security approved by the Superintendent of Banks as legal for investment by savings banks. All such investments heretofore made are legalized.

(b) Use all or any part of lapsed, unallocated, unappropriated or other surplus or reserve moneys of the district for the refunding or partial refunding or purchase of any existing bonded indebtedness against the district.

The interest or income from any funds invested under this section may be made a part of the fund from which the investment was made and may itself be so invested.

Any investment previously made in bonds and other obligations for which the faith and credit of the United States of America are pledged or in any obligation, bond or security which under the Financial Code is legal for investment by savings banks is hereby validated and made legal investments for the purposes of this section, whether such bonds or obligations are negotiable or not.

SEC. 2. Section 27173.5 of said code is amended to read:

Bids

27173.5. Whenever the estimated expenditure is in excess of five thousand dollars ($5,000), the district shall advertise for bids for all construction or repair work at least once a week for two successive weeks in at least one newspaper and not more than three newspapers designated by the general manager, which are published in any one county or portion of a county within the district.

Emergency repairs

In case of emergency repairs necessitated by landslide, flood, storm or wind damage, accident, or other casualty, tools or equipment may be rented for a period of not to exceed 30 days after the occurrence of such emergency without advertising or competitive bidding.

Under the provisions of Section 27281, the board shall retire any bonded debt in full, in as short a time as, in the prudent judgment of the board, is economically feasible.

SEC. 3. Section 27174 of said code, as added by Chapter 1350 of the Statutes of 1949, is amended and renumbered to read:

Traffic, etc

27174.1. The district may adopt rules and regulations not inconsistent with the Vehicle Code for the control of traffic on any facility of travel constructed by the district, to aid and insure the safe and orderly flow of traffic, and shall so far as practicable notify the public of such rules and regulations by signs on such facility of travel. The district may also adopt rules and regulations pertaining to parking areas in conjunction with any facilities of travel constructed or maintained by the district.

SEC. 4 Section 27174 of said code, as added by Chapter 895 of the Statutes of 1949, is amended and renumbered to read:

Penalties

27174.2. Every person who shall, without permission of the board or its authorized officers or agents, climb upon any railing, cable, tower, or superstructure of any district toll bridge, or district property, or otherwise trespass on any portion of such bridge or district property which is not intended for public use, shall be deemed guilty of a misdemeanor.

The provisions of this section shall not apply to persons engaged in the operation, maintenance, or repair of such bridge.

SEC. 5. Section 27174.3 is added to said code, to read:

27174.3. Every person who stands in the roadway or on the sidewalk of any district toll bridge, or the approaches thereto, for the purpose of soliciting a ride from the driver of any vehicle is guilty of a misdemeanor.

SEC. 6. Section 27176 of said code is amended to read:

27176. Violation of any rules or regulations provided for in Section 27174.1, notice of which has been given by a sign on the facility of travel constructed by the district is a misdemeanor.

CHAPTER 1732

An act to amend Sections 5046 and 7707 of the Education Code, relating to school district public works, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 5046 of the Education Code is amended to read:

Apportionment from Public School Building Loan Fund

5046. Apportionment from the Public School Building Loan Fund to school districts shall be made in the manner and subject to the conditions herein provided and in accordance with policies adopted by the board, for the following purposes: (a) the purchase and improvement of school sites which have been approved by the State Department of Education; (b) the purchase of desks, tables, chairs, and built-in or fixed equipment, as listed in Part III of the California School Accounting Manual contained in the Bulletin of the California State Department of Education, Volume XIII, No. 2, June, 1944, or as amended or revised; and (c) the planning and construction, reconstruction, alteration of, and addition to, school buildings for such facilities as are approved by the Department of Education as essential, all of which purposes are hereby declared to be, and are, public works.

Where a district is required by a contract entered into between itself and a contractor, to obtain at its own expense insurance covering risks incurred during any construction, reconstruction or alteration for which an apportionment has been made, the costs thereof may be paid either directly, or by way of reimbursement, to said district out of said apportionment, or out of any apportionment made specifically covering such insurance; provided, that in other respects said apportionments are eligible for payment under provisions of this chapter.

SEC. 2. Section 7707 of the Education Code is amended to read as follows:

Apportionment from State School Building Aid Fund

7707. Apportionment from the State School Building Aid Fund to school districts shall be made in the manner and subject to the conditions herein provided and in accordance with policies adopted by the board, for the following purposes,

all of which purposes are hereby declared to be, and are, public works: (a) the purchase and improvement of school sites which have been approved by the State Department of Education; (b) the purchase of desks, tables, chairs, and built-in or fixed equipment, as approved by the Department of Education and as listed in Part III of the California School Accounting Manual contained in the Bulletin of the California State Department of Education, Volume XX, No. 2, March, 1951, or as amended or revised; and (c) the planning and construction, reconstruction, alteration of, and addition to, school buildings for such facilities as are approved by the Department of Education as essential, except (1) a room used solely for an auditorium for a school of any type or class and (2) a room used solely for a gymnasium or a room used solely for a cafeteria for elementary schools. This section does not prohibit the Department of Education from approving multipurpose rooms which are rooms designed to be used for two or more of the following purposes:

(a) Classroom
(b) Auditorium
(c) Gymnasium
(d) Cafeteria
(e) Such other purposes as the district requires which are approved by the Department of Education.

Where a district is required by a contract entered into between itself and a contractor, to obtain at its own expense insurance covering risks incurred during any construction, reconstruction or alteration for which an apportionment has been made, the cost thereof may be paid either directly, or by way of reimbursement, to said district out of said apportionment, or out of any apportionment made specifically covering such insurance; provided, that in other respects said apportionments are eligible for payment under provisions of this chapter.

SEC. 3. 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 effect immediately. A statement of the facts constituting such necessity is as follows: Urgency

Because of the last sentences of Sections 5047.2 and 7710 of the Education Code, the Attorney General has ruled that the State cannot under Chapters 1.6 and 19, Division 3 of the Education Code, pay from funds apportioned thereunder the cost of insurance required to be obtained by a school district at its own expense under a contract for construction approved pursuant to the said chapters. This would result in many cases in financial loss to the school districts affected, creating additional budgetary problems, and intensifying the already serious financial problem of providing adequate education for the children served by such districts. To prevent this result, and to afford the districts affected immediate relief, the foregoing sections of the Education Code have been amended.

CHAPTER 1733

An act to amend Section 7702 of the Education Code, relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 7702 of the Education Code is amended to read:

7702. As used in this chapter:

(a) "Board" means the State Allocation Board, created by Section 7 of the Construction and Employment Act as amended.

(b) "Director" means the Director of Education.

(c) "Project" means the purposes for which a school district has applied for an apportionment under this chapter.

(d) "Construction project" means the purposes for which a school district has applied for an apportionment at a given location.

(e) "Grade level maintained by a district" means (1) the kindergarten, if any, and grades 1 to 6, or grades 1 to 8, inclusive, maintained by an elementary school district or a unified school district; or (2) grades 7 to 12, grades 9 to 12, inclusive, or grades 7 to 10, inclusive, maintained by a high school district or unified school district; and (3) grades 13 and 14 maintained by a high school district, unified school district, or junior college district, but not more than one grade level shall be claimed by any district under any one of the subdivisions of this paragraph.

(f) "Apportionment" means an apportionment made under this chapter unless the context otherwise requires. The term "apportionment" in Sections 7737, 7742, 7744, 7745, 7746, 7747, and any other section in this chapter where the context justifies, shall be deemed to include funds of a school district required by the board to be contributed toward the purposes thereof. It is hereby declared that this construction is not intended as a change in the present law but rather as a declaration of existing law.

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

Most state school building aid projects are financed jointly by school district and state funds. While the law is very clear as to the disposition and use of state funds that are applied to a project, certain sections do not clearly specify the dis-

position and use of district funds that are made available towards the cost of a project. By amending the term "apportionment" to include district funds as well as state funds, such ambiguities will be clarified. It is necessary that this act take effect immediately so that urgently needed school construction can be properly financed without further delay.

CHAPTER 1734

An act to amend Sections 5048, 5064, 7713 and 7737 of the Education Code, relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.] In effect immediately

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

SECTION 1. Section 7713 of the Education Code is amended to read:

7713. Each school district which desires an apportionment for a grade level maintained by it, shall submit through its governing board to the board an application therefor in such form and number of copies as the board shall prescribe. Each copy of the application shall be accompanied by a statement of the estimated cost of the project certified by an architect or structural engineer, and by layout plans showing the entire construction project for which the district desires an apportionment. Before the board approves an application for a construction project and makes an apportionment pursuant to this chapter, it shall after consultation with the Division of Architecture establish standards for all new construction included therein. After such consultation the board shall establish current construction cost standards for such construction. Such standards shall not exceed typical comparable new construction by school districts in the same area not receiving or eligible for apportionment under this chapter, or if there has been no new construction by school districts in the area, the standards shall not exceed the reasonable current cost of similar construction in the area. The board shall determine such typical current costs or such reasonable current costs. In applying such standards the board shall take into account the size and type of the construction proposed and may make such deviations as in their judgment are justified. When a standard has been set by the board to cover any individual apportionment, no apportionment shall be made by the board in excess of such standard, unless the board shall find that in view of a rapid increase in building costs an adjustment is warranted. Immediately upon receipt of an application in the prescribed form accompanied by the required estimate of cost, a copy thereof shall be transmitted by the board to the director and to the Director of Finance. Application for apportionment

A school district shall not let any contract for new construction included in an application for a construction project which has been approved by the board if the cost exceeds the construction cost standards fixed by the board under this section for such new construction.

A school district may at any time amend or supplement its application.

Each construction project for which a district applies for an apportionment shall be applied for on a separate application and shall be considered separately by the board. If a district applies for more than one construction project, at the same time or at different times, the priority points of the district shall be recalculated after the approval of each separate construction project and before a subsequent construction project is approved.

The Allocation Board shall require such changes in the plans which an applicant school district submits with its application as the board determines is necessary or desirable to reduce the cost of the project. The board may also by rule provide for the vesting in the director or in the Director of Finance of the responsibility for requiring such changes, according to whether the subject matter of the change is subject to the jurisdiction or approval of the director or the Director of Finance, respectively.

The board may for such good cause as it shall determine, reduce the amount of, or modify any provisions relating to, any contribution required of a school district under the terms of an apportionment, other than any contribution required of such district under Section 7719 from the sale of bonds; provided, that the board may not, without the consent of the district, increase the amount of any district contribution under the terms of an apportionment, in the absence of mistake arising from any source, or misrepresentation, concealment, or omission, on the part of the district, intentional or otherwise. The provisions of this paragraph shall be applicable to apportionments heretofore or hereafter made.

Report

The Director of Finance shall determine the school district's financial ability to meet all or a portion of the cost of the project and the amount which the school district can contribute toward the cost of the project out of its available funds, and shall submit his report thereon to the board.

The director shall as promptly as possible prepare a report and recommendation with respect to the application and refer the application, report, and recommendation to the Director of Finance, who shall, if he finds said documents to be in proper form and otherwise sufficient, refer them to the board. If the Director of Finance finds said documents to be lacking in any respect as to any matter which is subject to the jurisdiction or approval of the director or Department of Education, he shall refer them to the director who shall take such action as may be necessary. The board shall, subject to the provisions of this chapter approve or reject each application

referred to it by the Director of Finance. If the board approves of the application, either in whole or in part, it shall, by a resolution adopted by it, apportion to the district from the State School Building Aid Fund the amount applied for, or such portion thereof as the board may deem appropriate; provided, that it may order that the apportionment or any part thereof shall be paid in progressive installments at such times and under such conditions as it may then prescribe. This shall be known as a conditional apportionment and shall become final only if the vote provided for in Section 7719 is favorable and if bonds are authorized and sold in the amounts prescribed by the board, and the proceeds of the bonds sold earmarked for the project as approved. The conditional apportionment shall remain effective for a period of nine months from the date of said resolution of the board, and if it does not become a final apportionment by that date, it shall become void and the money so apportioned shall become again available for apportionment pursuant to this chapter.

SEC. 2. Section 5064 of said code is amended to read:

Use of funds

5064. The board shall prescribe in such detail as it deems necessary, the purposes for which moneys apportioned by it or which it requires the district to contribute toward, or in reduction of the cost of a project, may be expended, and such prescription shall be binding upon the governing board of the district, save as it may be changed or modified by the board for such cause as it sees fit. In determining funds which can be contributed by the district, the board may require the district to contribute unexpended balances of funds earmarked or encumbered by the district for furniture, equipment, or any other lawful purpose; provided, however, that changes or substitutions in the purposes for which such funds were earmarked or encumbered, with respect to such requirement under any apportionment heretofore or hereafter made, may be authorized by the board, or pursuant to its delegation, by the Director of Finance.

SEC. 3. Section 5048 of said code is amended to read:

Grade level apportionment

5048. Each school district which desires an apportionment for a grade level maintained by it, shall submit through its governing board to the board an application therefor in such form and number of copies as the board shall prescribe. Each copy of the application shall be accompanied by a statement of the estimated cost of the project certified by an architect or structural engineer, and by layout plans showing the entire project for which the district desires an apportionment. Estimates of cost for new construction appearing in an application shall not exceed typical current costs of comparable new construction by school districts in the same area not receiving or not eligible for apportionment under this chapter, as determined by the Director of Finance, or if there has been no new construction by school districts in the area, the estimates of cost shall not exceed the reasonable current cost of similar construction in the area as determined by the Director of

Finance. Immediately upon receipt of an application in the prescribed form accompanied by the required estimate of cost, a copy thereof shall be transmitted by the board to the director and to the Director of Finance.

A school district may at any time amend or supplement its application.

The Director of Finance shall determine the school district's financial ability to meet all or a portion of the cost of the project and the amount which the school district can contribute toward the cost of the project out of its available funds, and shall submit his report thereon to the board.

The directors shall as promptly as possible prepare a report and recommendation with respect to the application and refer the application, report, and recommendation to the Director of Finance, who shall, if he finds said documents to be in proper form and otherwise sufficient, refer them to the board. If the Director of Finance finds said documents to be lacking in any respect as to any matter which is subject to the jurisdiction or approval of the director or Department of Education, he shall refer them to the director who shall take such action as may be necessary. The board shall, subject to the provisions of this chapter approve or reject each application referred to it by the Director of Finance. If the board approves of the application, either in whole or in part, it shall, by a resolution adopted by it, apportion to the district from the Public School Building Loan Fund the amount applied for, or such portion thereof as the board may deem appropriate; provided, that it may order that the apportionment or any part thereof shall be paid in progressive installments at such times and under such conditions as it may then prescribe. This shall be known as a conditional apportionment and shall become final only if the vote provided for in Section 5050 is favorable and if bonds are authorized and sold in the amounts prescribed by the board, and the proceeds of the bonds sold earmarked for the project as approved. The conditional apportionment shall remain effective for a period of nine months from the date of said resolution of the board, and if it does not become a final apportionment by the date, it shall become void and the money so apportioned shall become again available for apportionment pursuant to this chapter.

Conditional apportionment

The board may for such good cause as it shall determine, reduce the amount of, or modify any provisions relating to, any contribution required of a school district under the terms of an apportionment, other than any contribution required of such district under Section 5050 from the sale of bonds; provided, that the board may not, without the consent of the district, increase the amount of any district contribution under the terms of an apportionment, in the absence of mistake arising from any source, or misrepresentation, concealment, or omission, on the part of the district, intentional or otherwise. The provisions of this paragraph shall be applicable to apportionments heretofore or hereafter made.

SEC. 4. Section 7737 of said code is amended to read:

7737. The board shall prescribe in such detail as it deems necessary, the purposes for which moneys apportioned by it or which it requires the district to contribute toward, or in reduction of the cost of a project, may be expended, and such prescription shall be binding upon the governing board of the district, save as it may be changed or modified by the board for such cause as it sees fit. In determining funds which can be contributed by the district, the board may require the district to contribute unexpended balances of funds earmarked or encumbered by the district for furniture, equipment, or any other lawful purpose; provided, however, that changes or substitutions in the purposes for which such funds were earmarked or encumbered, with respect to such requirement under any apportionment heretofore or hereafter made, may be authorized by the board, or pursuant to its delegation, by the Director of Finance. Purposes of apportionment

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health, or safety within the meaning of Section 1 of Article IV of the Constitution. A statement of the facts constituting such necessity is as follows: Urgency

The State Allocation Board is now without authority in some cases to adjust the amount a school district is to contribute towards the cost of a state-aided school project where, subsequent to the approval of an application, it is found that district contributions which were originally required, actually are not available, or that certain district funds are available but were not known to the board at the time the application was approved.

School districts are required to contribute towards the cost of school building aid projects, any unused balance remaining from capital outlay funds which are earmarked or encumbered for specific purposes other than the state aid application. Such items are listed in detail in the application. There are a number of cases where such funds are later expended for slightly different purposes than those reported in the approved application. Where such deviations occur, it has been held that amounts spent for items and quantities other than those specifically listed, must be applied toward the cost of the state-aided project and that the State Allocation Board cannot later approve such deviations, even though they would have been approved originally and represent an equally necessary or a better utilization of district funds. Many school districts are therefore required to contribute amounts already spent for essential purposes, towards the cost of state-aided projects. As a result the amounts involved cannot be paid either by the district or the State to meet the cost of state-aided projects.

It is necessary that this act take effect immediately so that the financing of urgently needed school facilities can be completed.

CHAPTER 1735

An act to add Chapter 8 to Part 4 of Division 6 of, and to amend Section 7409 of, the Welfare and Institutions Code, relating to the establishment and operation of the Neuropsychiatric Institute in the City of Los Angeles.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Chapter 8 is added to Part 4 of Division 6 of the Welfare and Institutions Code, to read:

CHAPTER 8. THE NEUROPSYCHIATRIC INSTITUTE

Hospital established

7400. A neuropsychiatric hospital for which an appropriation for planning was provided by Item 328.1 of Chapter 1, Statutes of 1954, shall be established on the grounds belonging to the Regents of the University of California at Los Angeles as a part of the Medical Center. Said hospital which shall be the Neuropsychiatric Institute shall be operated and maintained under the jurisdiction of the Department of Mental Hygiene in cooperation with the Medical School of the University of California at Los Angeles under a coordinating plan and agreement entered into by and between the Regents of the University of California and the Department of Mental Hygiene.

Purpose

7401. The Neuropsychiatric Institute shall be conducted and maintained for the purpose of treating patients with organic and functional disorders of the nervous system. Admissions may be either on a voluntary basis after approval by the superintendent and medical director, or on transfer from another institution under the jurisdiction of the department after approval by the Director of Mental Hygiene, and no person shall be committed either directly to the Neuropsychiatric Institute or to the Department of Mental Hygiene for placement therein. All admissions shall be for observation, research, diagnosis and treatment purposes as determined by the superintendent and medical director; in the cases of transfer from another institution the patients so transferred may be returned upon the completion of the study, diagnosis or treatment to an institution of the type from which they came.

Charges for care, etc.

The charges for the care, treatment or services rendered to all persons admitted to the hospital shall not be limited by any provision of this code but shall be based on the average cost per day as determined by the Director of Mental Hygiene. The liability for the charges so determined shall be governed by the provisions of Article 5 of Chapter 1, Part 4 of this division.

Outpatient clinic

There shall be conducted and maintained in conjunction with the hospital unit an outpatient clinic. The charges for services in the outpatient clinic shall be determined by the superin-

tendent and medical director in accordance with schedules for such charges established by the department.

Rules, etc

The department may establish such rules and regulations and enter into such agreements with the Regents of the University of California as are necessary to carry out the provisions of this chapter.

Board of trustees

7402. The Neuropsychiatric Institute shall have a board of five trustees appointed by the Governor, two of whom shall be selected from the faculty or administrative staff of the University of California Medical School at Los Angeles. Each member of said board of trustees shall hold office for the term of four years, and shall serve without compensation other than necessary expenses incurred in performance of duty. Any trustee is subject to removal by the Governor, upon good cause shown and opportunity to be heard.

Legislators, etc.

7403. No person is eligible to the office of trustee who is a member of the Legislature or an elective state officer, and if he becomes such after his appointment his office is thereby vacated. If any trustee fails to attend three consecutive regular meetings of the board, unless he is ill or absent from the State, his office becomes vacant, and the board, by resolution, shall so declare, and shall forthwith transmit a certified copy of such resolution to the Governor.

Removal

Advisory board

The board of trustees is an advisory board to the Department of Mental Hygiene and to the superintendent and medical director of the institute with power of visitation and advice with respect to the conduct of the institute. In addition said board shall have power to arbitrate and suggest settlement of any differences arising between the Department of Mental Hygiene and the Regents of the University of California relating to the operation of the institute.

SEC. 2. Section 7409 of said code is amended to read:

Qualifications of superintendent and medical director

7409. The superintendent and medical director of the Neuropsychiatric Institute shall have the qualifications required for superintendents of state hospitals under the jurisdiction of the department, and in addition shall have demonstrated by past experience his qualifications in the field of psychiatry and neurology. The questions for the examination of such superintendent shall also weigh his qualifications or experience in hospital administration, in the field of teaching, and in the organization and successful prosecution of meritorious research projects and shall be prepared by the Personnel Board together with the Director of Mental Hygiene or any medical superintendent that he shall designate, and the dean of the University of California Medical School at Los Angeles, or such member of the faculty of the medical school as the dean shall designate, in consultation with a representative of the State Personnel Board.

Temporary appointments

Nothing herein contained shall prevent the making of a temporary appointment pending the holding of an examination to qualify a list of persons eligible to be appointed such superintendent.

CHAPTER 1736

An act to amend Sections 13391 and 13394 of, and to add Sections 13402, 13403, 13404, 13405, 13406, 13407 and 13408 to the Government Code, relating to the purchase of supplies for state agencies.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 13391 of the Government Code is amended to read:

Purchases in excess of $25

13391. Except as provided in Article 1, every purchase of supplies or equipment in excess of twenty-five dollars ($25) for any state agency shall be made by or under the supervision of the Department of Finance; provided, that the state agency may specify the quality of the supplies or equipment to be purchased. Should the Department of Finance determine a different quality than that specified by the agency will best serve the interests of the State, it shall notify the state agency before a purchase order is issued. If the agency is of the opinion the interests of the State would not be served by the purchase of supplies or equipment of a lesser quality or different than that specified by the agency, the agency may request a hearing before the Board of Control and the board shall determine the supplies or equipment which will best serve the interests of the State, whereupon the Department of Finance shall issue a purchase order for the supplies or equipment specified by the Board of Control.

SEC. 2. Section 13394 of said code is amended to read:

Approval by agency

13394. An estimate or requisition approved by the state agency in control of the appropriation or fund against which a purchase is to be charged, is full authority for any contract and purchase of supplies of the quality specified by the agency or determined by the Board of Control as provided in this article made pursuant thereto by the department.

SEC. 3. Section 13402 is added to said code, to read:

Purchases, contracts of $1,000 or more

13402. Except in cases when the agency and the department agree that an article of a specified brand or trade name is the only article which will properly meet the needs of the agency, or in cases where the Board of Control has made such determination pursuant to Section 13391, all contracts and purchases of supplies in an amount of one thousand dollars ($1,000) or more shall be made or entered into with the lowest responsible bidder meeting specifications, subject to the provisions of Sections 4300 to 4334, inclusive, of this code.

SEC. 4. Section 13403 is added to said code, to read:

Notice to bidders

13403. Except in cases of emergency where immediate purchase of supplies or equipment without bid is necessary for the protection of the public health, welfare, or safety, whenever the Department of Finance purchases supplies or

equipment in excess of one thousand dollars ($1,000), all vendors who have notified the department in writing they desire to bid on such supplies or equipment, and who have been prequalified in accordance with the provisions of this section, shall be furnished with complete specifications as to the type, quality, quantity, and whenever practicable the date, place and method of delivery of the equipment or supplies to be purchased. In addition to notifying all such persons, the department shall post in a public place a copy of such specifications which shall remain posted until seven (7) days after an award has been made. Whenever a purchase in excess of one thousand dollars ($1,000) is made under this section or Section 13402 without the taking of bids, the department shall report to the Board of Control the fact of such purchase together with a written statement of the facts requiring the purchase of the supplies or equipment without the taking of bids.

Notice to Board of Control

SEC. 5. Section 13404 is added to said code, to read:

13404. The department shall adopt, publish and apply uniform standards of rating bidders, on the basis of questionnaires and required statements, with respect to contracts upon which each bidder is qualified to bid.

Uniform standards

SEC. 6. Section 13405 is added to said code, to read:

13405. All bids must be sealed and shall be publicly opened and read at the time set forth in the request for bids, provided any person present desires the bids to be so read. No bids shall be considered which have not been received in the office of the department prior to the closing time for bids set forth in the invitations to bids.

Bids

SEC. 7. Section 13406 is added to said code, to read:

13406. After being opened the bids shall be available for public inspection and tabulations shall be completed within seven days.

Public inspection of bids

SEC. 8. Section 13407 is added to said code, to read:

13407. Whenever a contract or purchase order under this article is not to be awarded to the lowest responsible bidder whose bid meets specifications, such bidder shall be notified by telegram 24 hours prior to awarding the contract or purchase order to another bidder. If the low bidder, or any other bidder, files a protest with the Department of Finance against the awarding of a purchase order or contract, such contract or purchase order shall not be awarded until either the protest has been withdrawn or the Board of Control has made a final decision as to the action to be taken relative to the protest.

Where contract, etc., not awarded to lowest bidder

SEC. 9. Section 13408 is added to said code, to read:

13408. There is hereby created a State Purchases Standards Committee, consisting of nine (9) members, seven (7) of whom shall be officers or employees of the State and two (2) of whom shall be citizens not employed by the State, all to be appointed by the Governor. The members of the committee shall serve without compensation, but shall be entitled to their actual necessary traveling expenses.

State Purchases Standards Committee

The committee shall annually elect one of its members chairman. The committee shall act as an advisory body to the Director of Finance and shall recommend from time to time minimum standards as to specifications and quality of equipment and supplies to be acquired for state use.

CHAPTER 1737

An act to amend Sections 1251, 1272, 1273, 1277, 1279, and 1292 of, to add Section 1280 to, and to add Article 4 to Chapter 3, Division 5 of, the Harbors and Navigation Code, relating to pilots for Humboldt Bay.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 1251 of the Harbors and Navigation Code is amended to read:

Members of board

1251. The members of the board shall reside in Eureka, Humboldt County, and shall have been such residents for at least two years. Two of the members shall be businessmen and the other one shall be a shipmaster or nautical man. They shall hold their offices during the pleasure of the power appointing them, not exceeding four years from the date of their commissions.

SEC. 2. Section 1272 of said code is amended to read:

Pilots

1272. Pilots appointed by the board shall be carefully examined as to their qualifications and, if found to be qualified and worthy, they shall receive licenses as pilots for the term of 12 months. Their licenses shall be annually renewed unless the board has good cause to withhold renewal.

Whenever the board deems it has good cause, or intends for any reason to withhold renewal, the secretary of the board shall serve notice in writing on the pilot, specifying the causes, at least 10 days before the expiration of his license and the pilot is entitled to a full hearing before the board. 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 board shall have all the powers granted therein.

SEC. 3. Section 1273 of said code is amended to read:

Rates for pilotage

1273. The board shall from time to time and in consultation with the licensed pilots, fix reasonable rates for pilotage for all vessels into or out of the Harbor of Humboldt Bay. These rates shall not be less than two dollars and fifty cents ($2.50) per foot deepest draft to the nearest six inches plus two cents ($0.02) per net registered ton, unless mutually agreed upon between the pilots and the board. Schedule of rates as follows:

(a) A minimum fee of sixty dollars ($60) for pilotage into and/or out of Humboldt Bay shall be charged, and for vessels

having no net tonnage five dollars and seventy-five cents ($5.75) per foot will be charged.

(b) For shifting ship, upper bay, twenty-five dollars ($25) will be charged.

For shifting ship to or from South Bay, thirty dollars ($30) will be charged.

Night moves, upper bay, only five dollars ($5) additional will be charged.

(c) For towing, an amount to be agreed upon between the parties.

SEC. 4. Section 1277 of said code is amended to read:

1277. If any vessel bound for Humboldt Bay is lost or unnecessarily detained for want of a pilot after raising a signal for a pilot within two miles of the bar, the pilots may be disciplined by the board; provided, if in the pilot's judgment, the bar was unsafe to cross out to board said vessel and due diligence was shown by him in this respect, the pilot shall be held blameless. Discipline, etc., of pilot

SEC. 5. Section 1279 of said code is amended to read:

1279. Every pilot of the harbor of Humboldt Bay shall once in each quarter prior to the regular meeting of the board of commissioners, upon blanks to be furnished by the board, render a verified account to the board of all moneys received by him, or by any other person for him, or on his account, and he shall pay not more than 5 percent to the board, the exact amount to be determined by the board from time to time, in full compensation for its secretary and treasurer and members. The account shall show: Verified account of moneys received

(a) The name of each vessel piloted.

(b) The name of each vessel for which pilotage has been charged or collected.

(c) The amount charged to, or collected from each vessel.

(d) Where the vessel is registered.

(e) The depth of its draft and its tonnage.

(f) Whether it was inward or outward bound.

The secretary shall record the account in a book prepared for that purpose, which book shall at all times be open to public inspection.

SEC. 6. Section 1280 is added to said code, to read:

1280. If, in order to sail a vessel and due to rough weather, a pilot is carried to sea or if a pilot is requested to travel to join a vessel in a port other than Humboldt Bay, he shall be entitled to twenty-five dollars ($25) per day compensation plus the actual transportation expense and subsistence incurred by him. Compensation, etc., where pilot carried to sea, etc.

The day of crossing the bar either in or out shall not be counted as a travel day as the usual pilotage fee shall prevail. A day shall be reckoned from midnight to midnight.

All claims for such travel compensation shall be made against the vessel and owners and they shall be liable for the payment of same in the usual manner as other claims for services against the vessel.

SEC. 7. Section 1292 of said code is amended to read:

Regulations

1292. The board shall observe and enforce the following regulations:

(a) A pilot absenting himself from his duty for more than two months except by leave of absence from the board or injury or illness or by service in the armed forces of the United States, forfeits his license.

(b) Each pilot's license shall be renewed automatically by the board annually except for cause in Section 1290 and 1291 or resignation or retirement.

(c) If a pilot becomes intoxicated while in charge of a vessel, he shall be suspended or dismissed at the discretion of the board and his license withdrawn.

SEC. 8. Article 4 is added to Chapter 3 of Division 5 of said code, to read:

Article 4. Offenses

Penalty for piloting vessel without a license

1295. Any person who does not hold a license as pilot for Humboldt Bay and Bar, who pilots any vessel into or out of the Harbor of Humboldt Bay, is guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment not exceeding 90 days.

CHAPTER 1738

An act making an appropriation for a study of the problem of rehabilitation of industrially disabled workers.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. The sum of twenty-five thousand dollars ($25,000), or so much thereof as may be necessary, is hereby appropriated from the General Fund in the State Treasury to the Department of Education, to be expended by the department during the 1955-1956 Fiscal Year for the purpose of conducting a project of research and demonstrations in connection with problems relating to the rehabilitation of industrially disabled workers.

No money shall be expended from the appropriation made by this act unless moneys equal to or in excess of the amount to be expended shall have been made available by the Federal Government for expenditure by the State for the purpose of conducting the project provided for in this act, pursuant to Section 4 of the Vocational Rehabilitation Act, as amended by Chapter 655 (Pub. L. 565), Laws of Eighty-third Congress—Second Session, or any other federal law.

It is hereby expressly declared to be the intent of the Legislature that the project authorized by this act may be conducted by the Department of Education over a two-year period, but the appropriation made by this act shall be expended only during the first year thereof.

CHAPTER 1739

An act to amend Sections 11011.5, 11019 and 11021 of the Business and Professions Code, relating to real estate subdivisions.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 11011.5 of the Business and Professions Code is amended to read:

11011.5. The questionnaire concerning any subdivision proposed to be sold or leased as potential mineral, oil or gas property shall be accompanied by a filing fee of one hundred fifty dollars ($150). Fee

SEC. 2. Section 11019 of said code is amended to read:

11019. An order prohibiting the sale and lease, or either, of the property in this State may be issued by the commissioner if the examination of the project shows that the sale or lease would constitute misrepresentation to or deceit or fraud of the purchasers or lessees of lots or parcels in the subdivision. Order of prohibition

Before such order of prohibition shall be issued by the commissioner, a hearing shall be held by the Real Estate Division and the same procedure shall be followed as provided in Article 3 of Chapter 2 of Part 1 of Division 4 of this code. An order of the commissioner is subject to judicial review in accordance with law.

SEC. 3. Section 11021 of said code is amended to read:

11021. For the purpose of calculating the period of any applicable statute of limitations in any action or proceeding, either civil or criminal involving any violation of this chapter, the cause of action shall be deemed to have accrued not earlier than the time of recording with the county recorder of the county in which the property is situated of any deed, lease or contract of sale conveying property sold or leased in violation of this chapter and which describes a lot or parcel so wrongfully sold or leased. Statute of limitations

This section does not prohibit the maintenance of any such action at any time before the recording of such instruments.

CHAPTER 1740

An act to amend Section 2496 of the Business and Professions Code, relating to fees of Board of Osteopathic Examiners.

[Approved by Governor July 6, 1955 Filed with Secretary of State July 8, 1955]

In effect September 7, 1955

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

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

2496. The amount of fees and refunds is that fixed by the following schedule for any certificate issued by the Board of Osteopathic Examiners. All other fees and refunds for any certificate issued by the Board of Osteopathic Examiners and which are not prescribed in this schedule, are prescribed in Section 2458.

(a) The fee for each applicant for a certificate, unless otherwise provided, shall be set by the board on or before November 1st of each year for the ensuing calendar year at such sum as the board determines necessary to defray the expenses of administering the provisions of this chapter, under the Osteopathic Act, relating to the issuance of certificates to such applicants, which sum, however, shall not exceed fifty dollars ($50) nor be less than twenty-five dollars ($25). If the applicant's credentials are insufficient, or if he does not desire to take the examination or if the applicant fails to receive a certificate, the sum of ten dollars ($10) shall be retained and the remainder of the fee is returnable on application.

(b) Each applicant for a reciprocity certificate shall pay an application fee in the sum of ten dollars ($10) at the time his application is filed. If the applicant qualifies for a certificate, he shall be notified and shall pay a fee which shall be fixed annually by the board at a sum not in excess of one hundred dollars ($100) nor less than twenty-five dollars ($25) for the issuance of a certificate.

(c) The annual tax and registration fee shall be set by the board on or before November 1st of each year for the ensuing calendar year at such sum which, when added to all other estimated revenues for such year, will be sufficient to defray all estimated expenditures of the board for such year in administering and enforcing the provisions of this chapter under the Osteopathic Act, which sum, however, shall not exceed twenty-five dollars ($25) nor be less than ten dollars ($10).

(d) The fee for failure to pay the annual tax and registration fee is fifty dollars ($50).

CHAPTER 1741

An act to amend Section 31596 of the Government Code, relating to county employee retirement systems.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 31596 of the Government Code is amended to read:

31596. (a) When securities belonging to or held for the retirement association are sold, the county treasurer shall de-

liver the securities to the purchaser upon receiving the proceeds, and may execute any and all documents necessary to transfer title. The duties imposed upon the county treasurer by this article are a part of his official duties, for the faithful performance of which he is liable on his official bond.

(b) The treasurer may with the approval of the retirement board and the board of supervisors authorize a trust company or a trust department of any state or national bank authorized to conduct the business of a trust company in this State or the Federal Reserve Bank of San Francisco or any branch thereof within this State, to act as custodian of any securities owned by the retirement association. Any such bank or trust company may be authorized to collect the income from such securities for the treasurer and deposit said proceeds in the county treasury. The compensation of such bank or trust company for such custodial services shall be fixed by agreement and shall be paid in the same manner and from the same funds as are other costs of administration of the retirement system.

CHAPTER 1742

An act to amend Sections 74013 and 74015 of, and to add Section 74015.5 to, the Government Code, relating to the municipal court established in a district embracing the City of Oxnard and Port Hueneme.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 74013 of the Government Code is amended to read:

74013. The clerk may appoint six deputies, each of whom shall receive a minimum salary of two hundred thirty-five dollars ($235) monthly with annual increments of twelve dollars and fifty cents ($12.50), twelve dollars and fifty cents ($12.50), twelve dollars and fifty cents ($12.50), and twelve dollars and fifty cents ($12.50) to a maximum of two hundred eighty-five dollars ($285) monthly.

SEC. 2. Section 74015 of said code is amended to read:

74015. The marshal may appoint one deputy at a salary of two hundred thirty-five dollars ($235) monthly with annual increments of twelve dollars and fifty cents ($12 50), twelve dollars and fifty cents ($12.50), twelve dollars and fifty cents ($12.50), and twelve dollars and fifty cents ($12.50) to a maximum of two hundred eighty-five dollars ($285) monthly.

SEC. 3. Section 74015 5 is added to said code, to read:

74015.5. There shall be one clerk to the marshal, who shall receive a salary of two hundred thirty-five dollars ($235) monthly.

CHAPTER 1743

An act to add Section 7738.1 to the Education Code, relating to state building aid declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955]

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

SECTION 1. Section 7738.1 is added to the Education Code, to read:

7738.1. Whenever it appears (1) that a district has received an apportionment between May 1 and May 30, 1954, conditioned upon the issuance and sale, as required by Section 7719, of not more than twenty thousand dollars ($20,000) worth of bonds; (2) that, though the electors of the district authorized the issuance and sale of such bonds within nine months from the date of such apportionment, such bonds were not actually sold within such period; and (3) that as a result thereof said apportionment was voided pursuant to the provisions of Section 7738 of the Education Code, said apportionment is hereby reinstated, and anything in Section 7738 to the contrary notwithstanding, shall become final if the district within 30 days of the effective date of this section has met all of the requirements otherwise imposed by this chapter upon such apportionment becoming final.

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:

In order that the construction of schools, as provided in Chapter 19, Division 3 of the Education Code, may be continued without delay or restriction to meet the due need of the children of this State for adequate and safe classrooms, it is essential that this act take effect immediately.

CHAPTER 1744

An act to amend Section 25450 of the Government Code, relating to contracts for construction, alteration and repair of buildings.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955]

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

SECTION 1. Section 25450 of the Government Code is amended to read:

25450. Whenever the estimated cost of construction of any wharf, chute, or other shipping facility, or of any hospital, almshouse, courthouse, jail, historical museum, aquarium, county free library building, branch library building, art gallery, art institute, exposition building, stadium, coliseum, sports arena or sports pavilion or other building for holding sports events, athletic contests, contests of skill, exhibitions, spectacles and other public meetings, or other public building or the cost of any repairs thereto exceeds the sum of four thousand dollars ($4,000), inclusive of the estimated cost of materials or supplies to be furnished pursuant to Section 25457, the work shall be done by contract. Any such contract not let pursuant to this article is void.

CHAPTER 1745

An act to amend Section 415.5 of the Vehicle Code, relating to restrictions on operator's or chauffeur's licenses.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 415.5 of the Vehicle Code is amended to read:

415.5. Restrictions on Operator's or Chauffeur's Licenses. Unless the certificate or certificates filed with the department, evidencing the issuance of a motor vehicle liability policy show that the person in whose behalf they are filed is covered in the operation of all vehicles owned by him or registered in his name, and any motor vehicle not owned or registered in his name, the department shall place an appropriate restriction on any operator's or chauffeur's license issued to such person. It shall be unlawful for such person to operate any motor vehicle not covered by the certificate or certificates filed by him with the department as proof of ability to respond in damages. The department may, upon receiving satisfactory evidence of any violation of the restrictions of such license, suspend or revoke the same. Any person who operates a vehicle in violation of provisions of a restricted license issued to him is guilty of a misdemeanor.

CHAPTER 1746

An act to repeal Division 3 of Title 5, comprising Sections 60000 to 60891, inclusive, of, and to repeal Chapter 7, comprising Section 61500, of Title 6 of, and to add a new division heading to Title 6 of, and to add Division 2, comprising Sections 61000 to 61891, inclusive, to Title 6 of, the Government Code, relating to community services districts.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. A new division heading is added to Title 6 of the Government Code, immediately preceding the chapter heading of Chapter 1, Title 6 of said code, to read:

DIVISION 1. GENERAL

Repeal

SEC. 2. Division 3 of Title 5 of said code, comprising Sections 60000 to 60891, and Chapter 7, comprising Section 61500, of Title 6 of said code are hereby repealed.

SEC. 3. Division 2 is added to Title 6 of said code, immediately succeeding Section 60163, to read:

DIVISION 2. COMMUNITY SERVICES DISTRICTS

PART 1. INTRODUCTORY PROVISIONS

CHAPTER 1. SHORT TITLE

Short title

61000. This division shall be known and may be cited as the Community Services District Law.

CHAPTER 2. DEFINITIONS

61010. Unless the context otherwise requires, the provisions of this chapter shall govern the construction of this division.

Definitions:

61011. The definition of a word applies to any of its variants.

"District"

61012. "District" means a community services district formed under the provisions of this division.

"Board"

61013. "Board" means the board of directors of a district.

"President"

61014. "President" means the president of the board.

"Secretary"

61015. "Secretary" means the secretary of the board.

"Elector" and "voter"

61016. "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.

PART 2. FORMATION

CHAPTER 1. PETITION FOR FORMATION

Formation

61100. The people of any unincorporated territory within one or more counties may form a district pursuant to this part.

Petition:

61101. 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.

If the proposed district lies in more than one county separate petitions shall be addressed to the board of supervisors of each county.

Contents

61102. 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 61600 of this division the district is to be formed; and (e) state the number of members, either three or five, which the board of directors of the district shall have.

Signatures

61103. The petition shall be signed by registered electors within the proposed district equal in number to at least 10 percent of the number of votes cast in the proposed district at the general election next prior to the filing of the petition.

Filing petition

61104. The petition shall be filed with the clerk of the board of supervisors of the county or counties 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.

Notice of hearing

61105. The board of supervisors to whom the petition is addressed shall cause notice of the hearing to be published in a newspaper of general circulation, circulated within the territory of the proposed district which lies in the county. 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.

Same Contents

61106. The notice of the hearing shall:

(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.

Jurisdiction of board

61107. 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.

Name of district

61108. The name of the district need not include "community services district," but any other name may be used.

CHAPTER 2. HEARING ON PETITION

Hearing

61110. 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 inclusion in district

61111. At the hearing any owner of land in the proposed district may present to the board of supervisors of the county in which such land is situated 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 of the county in which such land is situated a request in writing for inclusion of such land in the proposed district.

Adjourning hearing

61112. The board of supervisors may adjourn the hearing from time to time not exceeding four weeks in all.

Determination by board

61113. 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

61114. 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.

Designation of name

61115. 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

Notice of election

61120. Upon the final hearing the board of supervisors shall call and give notice of an election to be held in the proposed district, or if the proposed district lies in more than one county, in the territory of the proposed district which lies in the county, 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.

Date of election

61121. 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.

Publication of notice

61122. Notice of the election shall be published in a newspaper of general circulation circulated with the territory of the proposed district which lies in the county. 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.

Notice Contents

61123. 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.

Nominations, etc.

61124. 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 or boards of supervisors shall establish election precincts, designate the polling place or places, appoint the election board or boards, and canvass the returns.

Vote canvassed

61125. The vote shall be canvassed by the board of supervisors or boards of supervisors on the first Monday which is four or more days after the election.

Termination

61126. 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.

Resolution

61127. If the majority of the votes cast at the election is in favor of forming the district the board of supervisors or boards 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. If the district lies in more than one county, the county clerk of each county in which the district lies shall transmit a certified copy of such resolution to the county clerk of each of the other counties in which such district lies.

Certified copy of resolution

61128. If the district lies in one county the county clerk shall immediately after the entering of the resolution in the board minutes pursuant to Section 61127, or if the district lies in more than one county the county clerk of each county in which the district lies shall immediately after the entering of such resolution and the receipt of the certified copies from the county clerks of each of the other counties in which the district lies referred to in Section 61127, cause to be filed in the office of the county recorder of the county for which he is county clerk and with the Secretary of State a certified copy

of the resolution forming the district. Thereupon the organization of the district shall be complete.

Informality in proceeding, etc

61129. 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.

Contest of validity

61130. 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

Where district lies in more than one county

61140. 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.

Procedure

61141. 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

61142. Each board of supervisors shall have jurisdiction to fix the boundaries of the proposed district only in its own county.

Formation of district

61143. 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 61128.

PART 3. INTERNAL ORGANIZATION

CHAPTER 1. BOARD OF DIRECTORS

Board of directors

61200. Each district shall have a board of three or five directors, as stated in the petition for formation, all of whom shall be elected at large.

Directors are elected

61201. 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; provided, that if five directors are first elected on formation of the district they shall classify themselves by lot so that the terms of office of two of them shall be until the election and qualification of successors at the first succeeding general district election, and the terms of office of three of them shall be until the election and qualifica-

tion of successors in the second succeeding general district election.

Term of office

61202. The term of office of each director other than directors first elected shall be four years.

Failure to qualify

61203. If a person elected fails to qualify, the office shall be filled as if there were a vacancy in the office.

Vacancies

61204. All vacancies occurring in the office of director shall be filled by appointment by the remaining directors elected.

61205. 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.

61206. Each director elected or appointed shall hold office until his successor qualifies.

Compensation

61207. 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.

Compensation for additional duties

61208. 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

61209. 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.

Increase of number of directors

61210. The number of directors on the board of a district shall be increased to five upon approval by a majority of the voters of a proposition therefor submitted to them at a general or special district election by resolution of the board or by initiative petition. At the time of submitting such a proposition an election shall be held to select two persons to serve as directors in the event that the proposition is adopted. 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.

Meeting after election

61220. 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.

Duties

61221. The board shall:

(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.

Board action

61223. The board shall act only by ordinance, resolution, or motion.

Quorum

61224. A majority of the board shall constitute a quorum for the transaction of business.

Majority vote

61225. 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.

Method of voting

61226. 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.

Form of enacting clause

61227. The form of enacting clause of all ordinances passed by the board shall be: "Be it ordained by the board of directors of _____ District as follows:".

Ordinances

61228. All ordinances shall be signed by the president and attested by the secretary

Sessions public

61229. All legislative sessions of the board shall be public.

Change of name

61230. By resolution, the board may change the name of the district. Such change of name shall be effective upon the filing of a certified copy of such resolution with the Secretary of State and in the office of the county recorder of the county or counties in which such district is situated.

Persons holding two positions

61231. Any person who is a director of an irrigation district may hold office as a director of a community services district and the holding of two such positions by such person at the same time shall not be incompatible.

CHAPTER 2. OTHER OFFICERS AND EMPLOYEES

Officers, etc.

61240. The board shall, at its first meeting or as soon thereafter as practicable, appoint by a majority vote:

(a) A general manager;

(b) A secretary, who may also be the general manager and act as treasurer.

61241. A director shall not be general manager or secretary.

61242. The general manager and secretary shall each receive the compensation determined by the board and shall serve at its pleasure.

61244. 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.

61245. 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

61300. The board is the governing body of the district.

Powers, etc

61301. The powers of districts enumerated in this division shall, except as therein otherwise provided, be exercised by the board.

61302. 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.

61303. Every contract made in violation of any of the provisions of Section 61302 may be avoided at the instance of any party except the director or officer interested therein.

PART 4. ELECTIONS

CHAPTER 1. ELECTIONS GENERALLY

Election officers, etc

61400. 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 general election

61401. 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 general elections

61402. Succeeding general district elections shall be held on the same day as and may be consolidated with the succeeding state direct primaries.

Nominations

61403. 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

61404. 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 Published

61405. 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.

Contents

61406. 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.

Election precincts, etc

61407. 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.

Votes needed to be elected

61408. 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.

61409. 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.

Propositions

61410. 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

61411. 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.

Informality

61412. No informality in conducting a district election shall invalidate it.

Expenses

61413. All the expenses of district elections shall be borne by the district.

Chapter 2. Appointments in Lieu of Election

When election shall not be held

61430. 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.

61431. In such case the publication provided for in Section 61405 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.

61432. If pursuant to Section 61430 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 person shall qualify, take office, and serve exactly as if elected at a general district election.

Chapter 3. Initiative; Referendum; Recall

Ordinances

61450. Ordinances may be passed by voters in accordance with Article 1 of Chapter 2 of Division 4 of the Elections Code.

Disapproval

61451. 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

61452. 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

61600. 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.

Election

61601. 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 61600 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

Powers

61610. 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, provided 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, cables or poles of any public utility which is required to be removed to a new location.

Property

61611. A district may hold, use, enjoy, lease or dispose of any of its property.

Suit

61612. A district may sue and be sued in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

Indebtedness, etc

61613. 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, except revenue bonds issued pursuant to Section 61613.1, which shall in the aggregate exceed 20 percent of the assessed valuation of all real and personal property situated within the district. The limitation of this section applies only to indebtedness which is to be paid by an ad valorem tax on real property.

Sale, etc., of revenue bonds, etc

61613.1. Notwithstanding any other provision of this division, a district may authorize, issue and sell revenue bonds pursuant to the provisions of Chapter 6, Part 1, Division 2, Title 5 of this code to provide funds for the acquisition, construction, improving or financing any one or more revenue producing enterprises for any one or more of the purposes specified in Section 61600 for which such district has been formed or which it shall have adopted pursuant to Section 61601. "Enterprise" as used in this section means a revenue producing system, plant, works, or undertaking used for or useful in carrying out any one or more of the purposes specified in Section 61600. Revenue bonds issued and sold pursuant to this section shall not constitute "funded indebtedness" of the district as that term is used in Section 61613 and the limitations of Section 61613 shall not apply to revenue bonds issued pursuant to this section. In connection with the authorization, issue and sale of revenue bonds pursuant to this section and so long as any of such bonds shall remain outstanding, a district may exercise, in addition to the powers conferred by this section, any or all of the powers of local agencies provided for in said Chapter 6, Part 1, Division 2, Title 5 of this code.

Refund etc., of indebtedness

61614. A district may refund or retire any indebtedness that may exist against or be assumed by the district.

Tax levy, etc

61615. 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.

Contracts, etc

61616. A district may make contracts for any and all purposes necessary or convenient for the full exercise of its powers.

Succession

61617. A district has perpetual succession.

Seal

61618. A district may adopt a seal and alter it at pleasure.

Employment, etc

61619. A district may employ labor and professional services.

Construction

61620. 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.

Rates, etc

61621. A district may prescribe, revise and collect rates or other charges for the services and facilities furnished by it, and may pledge, place a charge upon, contribute or otherwise

make available, as security or additional security for the payment of any revenue bonds issued by the district pursuant to Section 61613.1 any and all revenues received or receivable from any services or facilities furnished by it, including the services or facilities of any enterprise as said term is defined in Section 61613.1.

Charges

A district may provide that charges for any services or facilities shall be collected together with and not separately from the charges for other revenues or facilities rendered by it, and that all charges shall be billed upon the same bill and collected as one item. If all or part of a bill is not paid, the district may discontinue any or all services or facilities for which the bill is rendered.

Collection of charges

A district may provide for the collection of charges. Remedies for their collection and enforcement are cumulative and may be pursued alternatively or consecutively as the local agency determines.

Basic penalty

A district may provide for a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition may provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty. It may provide for collection of the penalties herein provided for.

Necessary acts

61622. Each district has the power generally to perform all acts necessary to carry out fully the provisions of this division.

Construct works, etc

61625. 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.

Agreements, etc.

61626. 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.

Contracts, bidders etc

61626.5. 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 responsible 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.

Acquiring private utilities

61626.6. Whenever a district formed under this division acquires a private utility engaged in furnishing services to consumers, or any existing improvement or facility used for such purposes, it shall assume the obligation of the private utility to serve such consumers and their successors in interest both inside and outside the boundaries of the district.

CHAPTER 3. LIABILITY FOR DAMAGES

Officer, agent, etc

61627. 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.

Claim for damages

61628. 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.

Contents

61630. Each claim filed pursuant to Section 61628 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 to filing

61631. Compliance with Sections 61628 and 61630 is a condition precedent to the filing or maintaining of any action for the injury or damage.

Counsel

61632. 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.

District pays judgments

61633. 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

Bonds: Resolution

61650. 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 of hearing

61651. 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.

Resolution accompanies notice

61652. 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

61653. 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.

61654. 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.

61655. 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.

Description of district portion benefited

61656. 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 _____ District."

Bond election

61657. 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.

Board determination final

61658. 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

61659. After the board has made its determination pursuant to Section 61655, 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 61655.

(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.

Publication

61660. The resolution provided for in Section 61659 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.

Election

61661. 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

61663. Every elector residing within the area designated in the resolution adopted pursuant to Section 61659, 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.

Majority, two-thirds vote

61670. Notwithstanding any other provision of this division, a majority vote shall be sufficient to authorize the issuance of revenue bonds, and a two-thirds vote shall be required only for the issuance of general obligation bonds.

Vote of more than two-thirds

61671. 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.

Signatures on bonds

61671.1. 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 61730.

Special proceeding to determine right to issue bonds

61671.2. Prior to the issuance of any bonds, the legislative body may commence a special proceeding in the superior court of the county 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 22684, inclusive, of the Water Code. These sections apply to and govern all such proceedings instituted pursuant to this part. The proceeding is in rem and the judgment rendered is conclusive against all persons, the city, and the State.

Sale of bonds

61672. The district may sell 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.

Bonds issued

61673. 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.

All bonds issued by any district payable from taxes are legal investments for all trust funds, for the funds of all insurance companies, the state school funds, and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the State.

Whenever the board of directors of a district declares by resolution that it deems it desirable that any bonds issued or to be issued by the district should be certified by the California Districts Securities Commission as provided in this section, the board of directors shall file a certified copy of the resolution with said commission and the bonds described in said

resolution shall then be subject to investigation and certification by the California Districts Securities Commission pursuant to the Districts Securities Commission Law. If in the opinion of the commission the bonds are adequately secured and the revenues and other funds applicable to the payment of the bonds are, or upon the acquisition, construction or improvement of the enterprise for which such bonds were or are to be issued, will be, sufficient to pay the principal of and interest on such bonds the commission shall certify that such bonds are legal investments for all trust funds, for the funds of all insurance companies, the state school funds, and any funds, other than funds of savings banks, which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the State.

Board resolution

61674. 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.

61675. The measure may be voted on at any district election or a special election may be called for the purpose.

61676. 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.

Refunding bonds

61677. The refunding bonds may be issued and sold in the manner and form prescribed for an original issue of bonds.

Exchange

61678. Refunding bonds may, if the holders of bonds of an original issue and the board so agree, be exchanged for original bonds.

Face value

61679. The face value of refunding bonds exchanged for original bonds shall not exceed the face value of the original bonds.

Rates or taxes

61680. 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

61681. 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.

61682. When bonds are made callable, a statement to that effect shall be set forth on the face of the bond.

Redemption

61683. Callable bonds may be redeemed on any interest payment date prior to their fixed maturity in such amounts and manner and at such prices as the board may prescribe in the resolution provided for in Section 61681.

Notice, publication, etc.

61684. 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.

61685. 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.

Interest, etc

61686. 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.

Exception

61687. None of the provisions of this Chapter 4 shall apply to any proceedings for the authorization, issue or sale of revenue bonds by a district pursuant to Section 61613.1.

CHAPTER 5. IMPROVEMENT DISTRICTS

Improvement districts

61710. 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 powers etc

61711. 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

61712. 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.

61715. 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.

Definitions

61716. In the application of said acts to proceedings under this section the terms used in said acts shall have the following meanings:

(a) "City council" and "council" mean board.

(b) "City" and "municipality" mean district.

(c) "Clerk" and "city clerk" mean secretary.

(d) "Superintendent of streets" and "street superintendent" and "city engineer" mean the 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 61730.

(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.

Powers and duties

61717. 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.

61718. The improvements authorized to be constructed or acquired by this chapter are restricted to those permitted to be constructed or acquired pursuant to Section 61600.

Notice

61719. 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.

CHAPTER 6. DEPOSITARY OF DISTRICT MONEY

Depositary of money

61730. 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

61731. The county treasurer shall:

(a) Receive and receipt for all the district's money and place it in the county treasury to the credit of the district.

(b) Be responsible upon his official bond for the safekeeping and disbursing of all district money so held by him.

61732. 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

61733. 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

61734. 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.

Charge for services

61735. 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.

Trustee, fiscal agent, etc.

61736. Notwithstanding the provisions of Sections 61730 to 61735, inclusive, the board may, in a resolution relating to the issuance of revenue bonds, designate a trustee, fiscal agent or depositary to receive the proceeds of sale of said revenue bonds or all or a part of any revenues received or to be received by the district from any enterprise of the district or from any services or facilities furnished or to be furnished the district, all as set forth in such resolution; and in such event Sections 61730 to 61735, inclusive, shall not apply to said proceeds of sale of said bonds or to said revenues, and the trustee, fiscal agent or depositary so designated shall receive, hold and disburse said proceeds of sale of said bonds or said revenues upon such terms and conditions as shall be provided in said resolution, which shall prescribe the duties and powers of such trustee, fiscal agent or depositary. Any such trustee, fiscal agent, or depositary shall be a bank or trust company qualified to do business in the State.

CHAPTER 6.1. ALTERNATIVE DEPOSITARY OF DISTRICT MONEY

Alternative

61737.01. The provisions of this chapter are alternative to those provided in Chapter 6 of this part.

Resolution

61737.02. The board may by resolution designate a bank as depositary of any or all of its funds If such depositary is not designated for all of its funds, it shall designate what funds are to be deposited with such depositary. The county treasurer shall be the depositary for all funds not so designated.

Charges

61737.03. The charges of any depositary selected shall be a proper expense of the district.

Finance officer

61737.04. The board shall appoint a person who shall be known as finance officer, who shall serve at its pleasure. It shall fix the amount of his compensation. It shall fix the amount of and approve his bond. He may be a member of the board or his office may be consolidated with that of the secretary.

Principal, interest, etc.

61737.05. Bond principal and interest and salaries shall be paid when due. All other claims and demands shall be approved in writing or in open meeting by a majority of the members of the board and the general manager.

Warrants

61737.06. Warrants shall be drawn by the finance officer and signed by the president and secretary, or one of them and one member of the board.

Auditing, etc

61737.07. The finance officer shall install and maintain a system of auditing and accounting that shall completely and at all times show the financial condition of the district.

Reports

61737.08. The finance officer shall make annual or earlier written reports to the board, as it shall determine, as to the receipts and disbursements and balances in the several accounts under his control. The report shall be signed by him and filed with the secretary.

Bank

61737.09. Notwithstanding the provisions of Section 61302, a bank may act as a depositary, paying agent, or fiscal agent for the holding or handling of district funds, notwithstanding the fact that a member of the board of directors of the district whose funds are on deposit in said bank is an officer, employee, or stockholder of such bank, or of a holding company that owns any of the stock of such bank.

CHAPTER 7. COOPERATION WITH THE UNITED STATES

Cooperation with United States

61740. Community service districts may 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, to the extent that it is consistent with state law, for the purpose of acquiring or constructing water distribution facilities and for the purchase, delivery and distribution of water to the district.

Contracts, etc

61741. A district may submit any contract or proposed contract to the superior court of the county in which is situated the office of the board to determine the validity thereof in the same manner as provided for the submission of such contracts by irrigation districts in Section 23225 of the Water Code.

CHAPTER 8. SHORT TERM BORROWING

Incurring indebtedness

61742. A district may borrow money and incur indebtedness as provided in this chapter by action of the board and without the necessity of calling and holding an election in the district.

Purpose

61743. Indebtedness may be incurred pursuant to this chapter for any purpose for which the district is authorized to expend funds, including provisions for payment of current expenses of the district and for the funding or refunding of any outstanding warrants issued for the payment of current expenses.

Evidenced by notes

61744. Indebtedness incurred under this chapter shall be evidenced by notes of the district payable in not to exceed five years from their date and bearing interest at not exceeding 6 percent per annum, payable annually or semiannually.

61745. Such notes shall be issued in the name of the district after the adoption by a two-thirds vote of all of the members of the board on a resolution setting forth the form

of the note, the maturity date or dates thereof, and the manner of execution thereof.

Notes may be subject to call etc., prior to maturity

61746. The board may, in its resolution authorizing the issuance of notes, provide that the note shall be subject to call and redemption prior to 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 note so subject to redemption. The resolution shall fix the method of giving notice of redemption to the holders of notes to be redeemed and the price or prices at which the note shall be subject to redemption. Notes so subject to call and redemption prior to maturity shall contain a recital to that effect on their face, and no note shall be subject to call or redemption prior to its fixed maturity date unless it contains such recital.

Public sale

61747. Notes issued under this chapter shall be offered for public sale upon notice inviting sealed bids therefor. Such notice shall be given by publication once in a newspaper of general circulation printed and published in the district or if such a newspaper is not printed and published in the district by posting in three public places in the district, and the sale shall not be held before 10 days after such publication or posting. The board may reject all bids received on public sale and either readvertise or sell the notes at private sale, but no sale at private sale shall be made for less than the par value of the note and accrued interest thereon.

Notice of publication

General obligations

61748. Notes issued under this chapter shall constitute general obligations of the district for the payment of both principal and interest of which all property in the district subject to taxation by the district shall be taxed without limitation of rate or amount. It shall be the duty of the board at the time and in the manner provided in Part 6 of this division for levying annual taxes to fix an ad valorem rate of tax sufficient to pay the principal of and interest on all notes as the same become due Such ad valorem taxes shall be in addition to all other taxes in this division provided for, shall not be subject to the limitation provided in Section 61755.5, and when collected shall be used for no purpose other than the payment of said notes and the interest thereon.

Limitation on notes issued

61749. Notes shall not be issued under this chapter by any district in any one fiscal year in excess of an amount equal to one dollar ($1) for each acre in the district.

PART 6. TAXES

CHAPTER 1. GENERAL PROVISIONS

Tax levy

61750. 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.

Purpose

61751. 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.

Assessment rolls

61752. 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

61753. All taxes shall be collected by the county assessors and tax collectors of the counties in which the district is situated.

Statement of county assessors

61754. The said county assessors 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.

Board fixes rate of taxes

61755. 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 assessors a statement of such rate so fixed by the board.

Election

61755.5. Unless a majority of the electors voting at an election held for that purpose are in favor of it, the annual property tax rate shall not exceed one dollar ($1) per one hundred dollars ($100) of assessed valuation of all taxable property within the district. This section does not prevent a community service district having a validly contracted general obligation bonded indebtedness from levying and collecting taxes for the payment of such indebtedness and the interest thereon, in addition to the taxes authorized to be levied and collected pursuant to this section.

Lien

61756. 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 said county assessors with a description of the property upon which such taxes are to be levied and the county assessors shall include in the statement furnished pursuant to Section 61754 the total value of all property so described.

Computation, etc., of tax

61757. The said auditors must then compute and enter in a separate column in the assessment book or assessment books, to be headed "_____ 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

61758. 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 61730, under the general requirements and penalties provided by law for the settlement of other taxes.

Enforcement, etc.

61759. 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

61760. 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.

Statements of additional expense of office

61761. Each county auditor, assessor, 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

Annexation

61800. Contiguous land not a part of the district which consists of any unincorporated territory may be annexed to the district.

61801. The land annexed shall be susceptible of service by the district and of being benefited by the district.

Petition

61802. 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.

Guardian, etc

61803. 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.

61804. 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 of land

61805. 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.

Written protest

61806. 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.

Publication

61807. 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.

Notice

61808. 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.

Contents

61809. 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.

61810. 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.

Mailing of notice

61811. 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.

Irregularity, etc

61812. 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.

Advance of costs

61813. 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

61814. 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.

Ordinance

61815. 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.

Majority of holders of title and acreage

61816. 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.

61817. The annexation ordinance shall contain a description of the land annexed to the district sufficient to identify the land.

Finding becomes conclusive

61818. 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

61819. 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.

Resolution, notice, etc

61820. After the adoption of a resolution pursuant to Section 61819, the secretary shall publish a notice and otherwise comply with Sections 61807 to 61813, inclusive.

Hearing

61821. 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.

Ordinance becomes effective

61822. 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 61451 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 copies of ordinance

61823. 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.

Certified copy of certificate

61824. 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.

61825. 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 of annexation

61826. 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.

61827. If any conditions are prescribed by the board, it shall adjourn the hearing for not less than 30 nor more than 60 days. Adjourning hearing

61828. 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. Objections to annexation

61829. 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. Ordinance

61830. 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

61850. Any district may be dissolved in the manner provided in this chapter. Dissolution

61851. 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. Electors propose

61853. 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: Evidence of number of electors, etc

(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.

61854. The petition for dissolution shall set forth all of the following: Petition Contents

(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.

61856. The books and records of the district are prima facie evidence of the facts required to be stated in the petition. Books and records

61857. No district shall be dissolved while there is any unmatured bonded indebtedness outstanding. Outstanding indebtedness

61858. 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 Petition, notice, etc

at least twice with an interval of at least six days between the first and last publication.

Notice Contents

61859. 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

61860. 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.

Adjourning hearing

61861. The board may adjourn the hearing from time to time, not exceeding in all 60 days.

Resolution

61862. 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.

Majority favors dissolution

61873. 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.

Minutes of board

61874. Upon the entry in the minutes of the board of the resolution declaring the district dissolved the district is dissolved.

Copy of resolution

61875. 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.

Defeat of dissolution

61876. 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.

Payment of indebtedness on dissolution

61877. Any indebtedness of the district outstanding at the time of the dissolution shall be paid as provided in this chapter.

Assets of district

61878. If the district has any assets, the ownership thereof vests in the board of supervisors of the county in which such district is located.

61879. 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. Sale

61880. 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. Insufficient to pay indebtedness

61881. 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. More than sufficient to pay indebtedness

Chapter 3. Effect of Inclusion in Incorporated Territory

61890. 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. Succession to powers of board

61891. 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. Withdrawal from district

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CHAPTER 1747

An act to amend Section 23661 of the Business and Professions Code, relating to alcoholic beverages

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955] In effect September 7, 1955

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

Section 1. Section 23661 of the Business and Professions Code is amended to read:

23661. Except as otherwise provided in this section, alcoholic beverages may be brought into this State from without this State for delivery or use within the State only by common carriers and only when the alcoholic beverages are consigned to a licensed importer, and only when consigned to the premises

of the licensed importer or to a licensed importer or customs broker at the premises of a public warehouse licensed under this division.

The provisions of this section are not applicable in the case of alcoholic beverages brought into this State by an adult on board a steamship, common carrier, or air common carrier from without the United States for personal or household use which are exempt from payment of duty in accordance with the existing provisions of federal law. Such alcoholic beverages shall be exempt from state licensing restrictions.

CHAPTER 1748

An act to add Section 23954.5 to the Business and Professions Code, relating to alcoholic beverage licenses.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 23954.5 is added to the Business and Professions Code, to read:

23954.5. An applicant for an original on-sale general license on or after January 1, 1956, shall, at the time of filing the application for the license, accompany the application with a fee of six thousand dollars ($6,000). An applicant for an original off-sale general license on or after January 1, 1956, shall, at the time of filing the application for the license, accompany the application with a fee of three thousand dollars ($3,000).

"Original on-sale general license" and "original off-sale general license," as used in this section, does not include a license issued upon renewal or transfer of a license.

All money collected from the fees provided for in this section shall be deposited directly in the General Fund in the State Treasury, rather than in the Alcohol Beverage Control Fund as provided in Section 25761.

CHAPTER 1749

An act to amend Section 74042 and to repeal Section 74043 of, and to add Section 74043 to, the Government Code, relating to the municipal court established in Palo Alto-Mountain View District.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 74042 of the Government Code is amended to read:

74042. There shall be one clerk who shall also act as secretary to the judges and who shall receive a minimum salary of four hundred seventy-eight dollars ($478) monthly with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), and twenty-eight dollars ($28) to a maximum of five hundred eighty-one dollars ($581) monthly.

SEC. 2. Section 74043 of said code is repealed.

SEC. 3. Section 74043 is added to said code, to read:

74043. The clerk may appoint:

(a) One senior deputy clerk who shall be chief deputy clerk and who shall receive a minimum salary of three hundred thirty-eight dollars ($338) monthly with annual increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20), to a maximum of four hundred twelve dollars ($412) monthly.

(b) Two deputy clerks, grade III, each of whom shall receive a minimum salary of three hundred twenty-two dollars ($322) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and nineteen dollars ($19) to a maximum of three hundred ninety-two dollars ($392) monthly.

(c) Four deputy clerks, grade II, each of whom shall receive a minimum salary of two hundred sixty-five dollars ($265) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred twenty-two dollars ($322) monthly.

(d) Four deputy clerks, grade I, each of whom shall receive a minimum salary of two hundred twenty-nine dollars ($229) monthly with annual increments of eleven dollars ($11), twelve dollars ($12), thirteen dollars ($13), and thirteen dollars ($13) to a maximum of two hundred seventy-eight dollars ($278) monthly.

CHAPTER 1750

An act to amend Section 1200.1 of the Code of Civil Procedure, relating to mechanics' liens.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1200.1 of the Code of Civil Procedure is amended to read:

Sureties not exonerated

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.

Bonds construed against surety

(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 or all of the sums due him for the same.

Limitation of actions

(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 insofar 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.

Bond recorded before work etc., completed

(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.

Notice

(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.

Presumption Bond good, etc

(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.

CHAPTER 1751

An act to amend Section 28322 of the Health and Safety Code, relating to food containers.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 28322 of the Health and Safety Code is amended to read:

28322. A nonalcoholic soft drink, whether or not carbonated, shall be deemed to be misbranded if in a bottle or other closed container unless the name and address of the bottler or distributor thereof appears on such container by being molded, printed, or otherwise labeled thereon, or said name and address is shown on the crown or cap of such container if such container is a permanently and distinctively branded bottle. Such a beverage shall not be deemed to be misbranded under this section if in a bottle or other closed container on which is molded, printed or otherwise labeled the product name, trade-mark or brand of the distributor or bottler thereof and if a sworn affidavit has been filed in the Bureau of Food and Drug Inspections of the Department of Public Health stating the name, trade-mark, or brand of such beverage, a full and complete description of each territory or area of the State in which such beverage is to be distributed, and the names and addresses of such persons as are responsible for compliance with this division in the bottling and distribution of such beverage in each territory or area of the State in which such beverage is distributed. Nothing in this section shall be deemed to exempt any bottler or distributor of a beverage or beverages from any provision of Chapter 3 of this division.

CHAPTER 1752

An act to amend Sections 73772, 73773, 73776 and 73779 of, and to add Sections 73778.5, 73781, 73782, and 73783 to, the Government Code, relating to the municipal court in a district known and designated as the Central Judicial District of Marin County.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 73772 of the Government Code is amended to read:

Clerk

73772. There shall be one clerk, who shall be secretary of the court and who shall receive a minimum salary of five hun-

dred three dollars ($503) monthly with annual increments of thirty dollars ($30), thirty-one dollars ($31), thirty-two dollars ($32), and thirty-three dollars ($33), to a maximum of six hundred twenty-nine dollars ($629) monthly.

In the application of the provisions of this section to the existing clerk of the court, said clerk shall receive on the effective date hereof increments commensurate with the years of service of said clerk as clerk of said municipal court, and annual increments thereafter on the anniversary of the commencement of such service.

SEC. 2. Section 73773 of said code is amended to read:

Clerk may appoint:

73773. The clerk, with the approval of the judges of said court, may appoint:

Chief deputy clerk

(a) One chief deputy clerk who shall receive a minimum salary of three hundred eighty-one dollars ($381) monthly with annual increments of twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-six dollars ($26) to a maximum of four hundred seventy-six dollars ($476) monthly.

Deputy clerks IV

(b) Four deputy clerks grade IV, each of whom shall receive a minimum salary of three hundred forty-one dollars ($341) monthly with annual increments of nineteen dollars ($19), twenty-one dollars ($21), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of four hundred twenty-six dollars ($426) monthly.

Deputy clerks III

(c) Three deputy clerks grade III, each of whom shall receive a minimum salary of three hundred five dollars ($305) monthly with annual increments of seventeen dollars ($17), nineteen dollars ($19), nineteen dollars ($19), and twenty-one dollars ($21) to a maximum of three hundred eighty-one dollars ($381) monthly.

Deputy clerks II

(d) Two deputy clerks grade II, each of whom 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.

Deputy clerks I

(e) Four deputy clerks grade I, 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.

In the application of the provisions of this section to existing officers and attaches of the court on the effective date hereof, nothing herein contained shall serve to increase or decrease the compensation theretofore paid to any of said officers or attaches, nor affect the status of any of them in respect to the rights to annual increments. Within the foregoing limitations the allocations of ranges and increments shall be made in the manner provided in Section 73778. For the purpose of

determining the existing salary and range and increments of any such officer or attache, any compensation heretofore fixed pursuant to the provisions of Section 73779 is hereby ratified and confirmed.

SEC. 3. Section 73776 of said code is amended to read:

Persons who succeed to municipal court positions

73776. Persons who succeed to positions in the municipal court under the provisions of the Municipal and Justice Court Act of 1949, or the provisions of law succeeding that act, 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 forth in this article.

SEC. 4. Section 73778.5 is added to said code, to read:

Increments

73778.5. In the computation of increments pursuant to the provisions of Sections 73776, 73777 and 73778 and subject to the conditions set forth in Section 72001, such increments shall be computed from and shall become due on the first day of the month which is closer to the annual anniversary date of the actual commencement of employment of any officer or attache of the court or on the first day of the subsequent month in the event said anniversary date falls equidistant from the first days of two successive months.

SEC. 5. Section 73779 of said code is amended to read:

Employees of municipal court

73779. Notwithstanding the provisions of Article 4 of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court with the approval of the judges of the court and the Board of Supervisors of the County of Marin, an officer or an attache of the court, whether appointed under the provisions of this article or under Article 4 of Chapter 8 of this title, may be paid any compensation, which is within the ranges and increments set forth in this article, in excess of or less than the maximum to which such employee would otherwise be entitled; provided, that any such salary adjustment shall not extend longer than ninety (90) days after the adjournment of the next regular session of the Legislature.

SEC. 6. Section 73781 is added to said code, to read:

Reporters

73781. The judges of the court may appoint as many reporters as the business of the court requires. Such reporters shall be known as official reporters pro tempore, and they shall serve without salary but shall receive, for reporting, the fees provided by Sections 69948 to 69953, inclusive, which in criminal cases shall upon order of the court be a charge against the general fund of the county.

SEC. 7. Section 73782 is added to said code, to read:

73782. As otherwise provided by law, fees for transcribing of testimony and proceedings in the court shall be paid by the

litigants to official reporters and official reporters pro tempore and, notwithstanding the provisions of Sections 73775 and 73781, shall be retained by such reporters as their compensation for such services. 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 transcribing of testimony and proceedings in criminal cases as provided in Sections 69948 to 69953, inclusive, which shall be paid from the county treasury.

SEC. 8. Section 73783 is added to said code, to read:

73783. In addition to the compensation provided in this article, the clerks and other attaches of the municipal court shall receive, and they shall be entitled to, the same vacations, sick leaves, and similar privileges and benefits as are now, or may hereafter be provided for the employees of the County of Marin, including the right to participate in any group accident, health or life insurance plan adopted by the board of supervisors of said county. Vacations, etc

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CHAPTER 1753

An act to amend Section 25252.5 of the Government Code, relating to loans to probationers.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.] In effect September 7, 1955

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

SECTION 1. Section 25252.5 of the Government Code, is amended to read:

25252.5. The board of supervisors may in its discretion establish:

(a) A revolving fund of an amount not to exceed ten thousand dollars ($10,000) from which the county probation officer may make loans to probationers.

(b) Rules for the operation of said fund.

(c) Standards governing the terms and conditions of such loans.

The maximum amount of indebtedness that any probationer may incur through loans from such fund shall be determined by the board of supervisors. Where any probationer has borrowed less than the maximum amount set by the board of supervisors or has borrowed and repaid all or part of a loan, the county probation officer may make additional loans to him until he has incurred such maximum amount of indebtedness

CHAPTER 1754

An act to add Sections 37209 and 40805.5 to the Government Code, relating to city finance officers.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 37209 is added to the Government Code, to read:

37209. The duties imposed upon the city clerk by this article may be transferred to a director of finance when such office has been established and the powers and duties thereof defined by ordinance. Such an ordinance shall require the execution by the director of finance of the bond required of the city clerk by Section 36518 of this code.

SEC. 2. Section 40805.5 is added to said code, to read:

40805.5. The financial and accounting duties imposed upon the city clerk by Sections 40802 through 40805 may be transferred to a director of finance when such office has been established and the powers and duties thereof defined by ordinance.

CHAPTER 1755

An act to amend Section 160 of the Welfare and Institutions Code, relating to return of patients to state of their residence.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 160 of the Welfare and Institutions Code is amended to read:

160. The Department of Mental Hygiene shall investigate and examine all nonresident persons who are confined in, admitted, or committed to any state hospital or state home for the mentally deficient, and shall cause such persons, when found to be nonresidents as defined in this chapter, to be promptly and humanely returned under proper supervision to the states in which they have legal residence. The department may defer such action by reason of a patient's medical condition.

For the purpose of facilitating the prompt and humane return of such persons the Department of Mental Hygiene may enter into reciprocal agreements with the proper boards, commissions, or officers of other states or political subdivision thereof for the mutual exchange or return of such persons confined in, admitted, or committed to any state hos-

pital in one state whose legal residence is in the other, and it may in such reciprocal agreements vary the period of residence as defined in this chapter to meet the requirements or laws of the other states.

The department may give written permission for the return of any resident of this State confined in a public institution in another state, corresponding to any state hospital for the mentally ill or to any state home for the mentally deficient of this State. When a resident is returned to this State pursuant to this chapter, he may be delivered to any institution of the department as designated by the Director of Mental Hygiene. Such person shall be admitted by the superintendent of the institution for care and treatment for a period not exceeding 30 days during which time the person shall be released at the earliest possible time or committed in accordance with law.

CHAPTER 1756

An act adding Sections 31462.2, 31640.5, 31720.2, 31720.3, and 31720.4 to, and amending Sections 31526, 31527, 31700, and 31720 of, the Government Code, relating to county retirement systems.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 31462.2 is added to the Government Code, to read:

"Final compensation"

31462.2. "Final compensation" for members whose service is on a tenure which is temporary, seasonal, intermittent, or for part time only means one-third of the total compensation earned for that period of time during which the member rendered the equivalent of three years of full-time service.

The member may elect at or before the time he files an application for retirement the period of time during which he has earned three full years of credit upon which final compensation shall be calculated. If he does not so elect, such period of time immediately preceding his retirement shall be used.

SEC. 2. Section 31526 of the Government Code is amended to read:

Regulations: Provisions

31526. The regulations shall include provisions:

(a) For the election of officers, their terms, meetings, and all other matters relating to the administrative procedure of the board.

(b) 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.

(c) For forms of annuity certificates and for such other forms as are required.

SEC. 3. Section 31527 of the Government Code is amended to read:

31527. In its regulations, the board may include the following provisions:

(a) From what warrants deductions of members' contributions shall be made, if deducting the total contribution due from the first salary or wage warrant in any particular month would, because of sickness, leave of absence, or other cause, result in practical difficulty and unnecessary hardship to the member.

(b) For a period of time longer than one year during which a member 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 return to service.

(c) For a period of time longer than one year during which a member brought within the field of membership may pay into the retirement fund the amount equal to the contributions he would have made plus interest, if he had been a member from the date of its organization, or from the date of his entrance into county service, whichever is later.

(d) For a withdrawal charge against a member who withdraws his accumulated contributions. The withdrawal charge shall not exceed the interest credited to the member subsequent to the effective date of the regulation.

(e) For the exemption or exclusion from membership as a peace officer member or as a safety member or from membership altogether, in the discretion of the board, of persons whose tenure is temporary, seasonal, intermittent, or for part time only, or persons whose rate of compensation is less than eighty dollars ($80) a month, or persons whose compensation is fixed at a rate by the day or hour.

SEC. 4. Section 31640.5 is added to the Government Code, to read:

"Year of service"

31640.5. Where service for which a member receives credit, either prior to or during membership, is on a tenure which is temporary, seasonal, intermittent, or for part time only, the member shall receive credit for such proportion of the time he held any such position as the time he actually was engaged in the performance of the duties of such position bears to the time required to perform the same duties in a full-time position.

A "year of service" in such position shall be construed to mean the time during which the member has earned one full year of credit, calculated as provided in this section.

SEC. 5. Section 31700 of the Government Code is amended to read:

Election on leaving county service

31700. Any member, whether over or under the minimum age of voluntary service retirement, who leaves county service

after completing five years of service may elect in writing, within 180 days after leaving county service, to leave his accumulated contributions in the retirement fund and be granted a deferred retirement allowance to become effective either:

(a) Upon the option of the member, at any time at which he could have retired had he remained in county service in a full-time position, or

(b) Not later than the first day of the month following that in which he attains the compulsory retirement age.

SEC. 6. Section 31720 of the Government Code is amended to read:

Member permanently incapacitated

31720. Any member permanently incapacitated for the performance of duty shall be retired for disability regardless of age or amount of service.

SEC. 7. Section 31720.2 is added to the Government Code, to read:

Physical examination

31720.2. In any county which requires the passing of a physical examination as a requisite to full-time permanent employment in a position in the classified civil service, a member in a position in the classified civil service who has not passed such an examination shall receive no retirement allowance pursuant to this article.

SEC. 8. Section 31720.3 is added to the Government Code, to read:

Incapacitated as result of injury, etc., in course of employment

31720.3. Any 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, if the county, district, or court by which he was employed does not require the passing of a physical examination as a prerequisite to permanent full-time employment in a position in the classified civil service or if such member holds a position not in the classified civil service or if such member has passed such an examination, shall be retired for disability with retirement allowance regardless of age or amount of service.

SEC. 9. Section 31720.4 is added to the Government Code, to read:

Not in course of employment

31720.4. Any member retired for disability not as a result of injury or disease arising out of and in the course of his employment shall receive a retirement allowance regardless of age, but if and only if:

(a) He has to his credit not less than 10 years of service, and

(b) The county, district, or court by which he was employed does not require the passing of a physical examination as a prerequisite to full-time permanent employment in a position in the classified civil service or he is in a position not in the classified civil service or he has passed such an examination.

CHAPTER 1757

An act to amend Sections 34303.5, 35002, 58850, and 58857 of, and to add Sections 35007, 58850.1, and 58852.1 to, the Government Code, relating to the incorporation and annexation of territory to cities.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 34303.5 of the Government Code is amended to read:

Petition: Report of boundary commission

34303.5. No petition seeking the incorporation of a new city may be circulated or filed with the board of supervisors, and neither the board nor the clerk of the board shall accept any such petition for filing, until the proposal for the incorporation of the new city has been submitted to and reported upon to the proponents by the boundary commission of the county with respect to the definiteness and certainty of the proposed boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

If the boundary commission does not report upon the petition within 20 days after it is submitted to it, the petition shall be deemed correct.

SEC. 2. Section 35002 of said code is amended to read:

35002. No petition seeking the annexation of territory to a city shall be circulated or filed, nor shall any public officer accept any such petition for filing, nor shall any legislative body initiate proceedings to annex on its own motion, until a written description of the proposal for the annexation of territory to a city has been filed with the secretary of the boundary commission of the county and the boundary commission has prepared, or caused to be prepared, a report to the proponents upon the annexation proposal with respect to the definiteness and certainty of the proposed boundaries, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory and other similar matters affecting the proposed boundaries.

Notice of receipt

Notice of receipt of a proposal for the annexation of territory to any city shall be given within 10 days after the filing thereof by the clerk of the boundary commission to the legislative bodies of all cities the territorial limits of which lie within three miles of any of the territory proposed to be annexed. Such notice shall be given by mail addressed to the legislative bodies of the cities entitled thereto and shall in general terms indicate the area proposed to be annexed. Fail-

ure to give such notice shall not operate to invalidate an annexation proceeding.

Report

If the boundary commission does not report upon the annexation proposal within 20 days after the written description thereof is filed with the secretary of the boundary commission, the annexation proposal shall be deemed correct.

Written description

If an annexation proceeding is initiated pursuant to the Annexation Act of 1913, the written description of the proposal for the annexation of territory shall be filed with the secretary of the boundary commission after Section 35106 has been complied with and before the petition for annexation is circulated.

SEC. 3. Section 35007 is added to said code, to read:

Termination of proceedings

35007. The legislative body shall have power to terminate annexation proceedings at any time prior to the date set for the hearing of protests. However, if protests against the annexation or the election are filed with the legislative body prior to the hour set for hearing objections thereto, the city legislative body shall proceed to hear and pass upon all protests so made in the manner provided for in Section 35121 or 35313, whichever is applicable to the proceedings, even though the proceedings have been terminated. If the city legislative body finds that a majority protest as therein provided is made, no further proceedings for the annexation of any of the territory shall be taken for one year after the finding. If the city legislative body finds that a majority protest as therein provided for is not made or it finds that no protests have been filed, new proceedings for the annexation of all or part of the same territory to the city may be instituted and proceeded with as provided in this chapter at any time after the date of such finding.

SEC. 4. Section 58850 of said code is amended to read:

County boundary commission

58850. There is in each county a county boundary commission consisting of:

(a) The chairman of the board of supervisors, or some other supervisor designated by the board, who is chairman of the commission.

(b) The county assessor.

(c) The county auditor.

(d) The county surveyor, or, if there is none, the county engineer, if any.

(e) The county planning engineer, or, if there is none, the director of planning of the county, if any.

SEC. 5. Section 58850.1 is added to said code, to read:

Representative

58850.1. Any officer named in Section 58850 may designate one of his deputies to act as member of the county boundary commission in his place or stead to all intents and purposes as though the officer were personally present, including the right of the deputy to be counted in constituting a quorum, to participate in the proceedings of the commission, and to vote upon any and all matters. The officer so designating such a deputy shall be responsible for the acts of the deputy acting

under such designation in the same manner and to the same extent that the officer is responsible for the acts of the deputy performing his official duties as deputy.

Meetings

SEC. 6. Section 58852.1 is added to said code, to read:

58852.1. The commission shall meet upon call of the chairman. Notice of the meetings shall be given by the secretary at least five days prior to the time of meeting.

Report, etc

SEC. 7. Section 58857 of said code is amended to read:

58857. Within 30 days after the submission of the proposal, the boundary commission shall prepare, or cause to be prepared, and adopt a report and recommendation on the proposal. The report shall be filed with the board of supervisors and a copy furnished to the proponents and the district, if in existence, affected.

Construction

SEC. 8. The right of a city to terminate annexation proceedings prior to the date set for the hearing of protests without prejudice to a new proceeding filed within a year is the existing law. However, the provisions regarding filing and hearing of protests pursuant to the provisions of Section 35007 shall hereafter apply.

CHAPTER 1758

An act to amend Section 18152 of the Education Code, relating to school buildings.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 18152 of the Education Code is amended to read:

18152. When the school enrollment of any school causes overcrowded schoolrooms, the governing board of the school district may make arrangements for the location of the school in temporary quarters or in portable buildings.

These quarters or portable buildings may be procured for a consideration, or at a rental, or by the construction of temporary or portable buildings on school property. The leasing of any portable building for placement on the school property shall not be made for a longer period than seven years.

Any portable building leased for placement on the school property for a term in excess of three years shall be deemed the construction or alteration of a school building as those terms are defined in Article 3 of this chapter and all the provisions of that article and Section 18172 shall apply thereto.

CHAPTER 1759

An act to amend Section 4251 of, and to add Section 4275 to, the Agricultural Code, relating to agriculture.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 4251 of the Agricultural Code is amended to read:

Local and regional control boards

4251. The director may appoint a local control board for any marketing area, in the event that he deems such board necessary or advisable.

The director may appoint a regional control board, in the event he deems such board necessary or advisable to represent several marketing areas which are adjacent to each other and wherein production conditions and costs are reasonably uniform. The director shall appoint a local control board when a majority of the producers individually or through any nonprofit agricultural cooperative marketing association which is authorized by its members to so petition, request the establishment of such board. The director shall appoint a regional control board when in each marketing area involved a majority of producers supplying such marketing areas individually or through any nonprofit agricultural cooperative marketing association which is authorized by its members to so petition, requests that such board be established. In the event the director receives a qualified petition for a local control board, he may investigate the possibility of establishing a regional control board covering the marketing area from which the petition was received and the adjacent marketing areas, by holding one or more public hearings for the purpose of establishing whether or not a majority of producers supplying the marketing areas proposed to be included in such region desire such regional control board. A regional control board may consist of any number of members who shall be producers who supply fluid milk to any of the marketing areas in the region, but shall consist of not less than one member from each such marketing area in the region; provided, however, that no such control board shall be established if the director finds that the assessments collected under Sections 4383 and 4384 from the marketing area or areas are insufficient to cover the costs of such local or regional control board.

Members

No regional control board shall be set up to include any marketing area now operating under a local control board, unless by petition as provided for in this section or through public hearing, producers of such marketing area request that they be represented by a regional control board.

Duties of board

SEC. 2. Section 4275 is added to said code, to read:

4275. It shall be among the duties of control boards to review with the director the methods used in determining producer costs, and to aid the director in the selection of the level of production necessary to meet the requirements of Sections 4246 and 4281 with respect to producer price minimums.

For purposes of developing uniformity of administration as between marketing areas in which producer control boards have been appointed, the director shall call together representatives of said boards from time to time to advise him as to the relationships in producer costs among such marketing areas, and may designate such representatives as the state-wide committee of producer control boards.

CHAPTER 1760

An act to amend Section 28110 of the Government Code, relating to compensation for public service in a county of the tenth class.

In effect September 7, 1955

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.]

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. 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 seven thousand two hundred dollars ($7,200) a year, and eight cents ($0.08) for each mile actually traveled when engaged in official business in the county. 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 shall receive for each day's attendance, five dollars ($5) 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. Each grand juror shall receive for each day's attendance at any committee meeting or session called by a grand jury committee chairman, three dollars ($3).

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

CHAPTER 1761

An act to repeal Sections 33275 and 33703 of, and to add Sections 33275, 33703, and 33747 to, the Health and Safety Code, relating to community redevelopment, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1955. Filed with Secretary of State July 8, 1955.] In effect immediately

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

SECTION 1. Sections 33275 and 33703 of the Health and Safety Code are repealed. Repeals

SEC. 2. Section 33275 is added to the Health and Safety Code, to read:

33275. Without the consent of an owner an agency shall not acquire any real property on which an existing building is to be continued on its present site and in its present form and use unless such building requires structural alteration, improvement, modernization or rehabilitation, or the site or lot on which the building is situated requires modification in size, shape or use or it is necessary to impose upon such property any of the standards, restrictions and controls of the plan and the owner fails or refuses to agree to participate in the redevelopment plan pursuant to Sections 33701 and 33745. Consent of owner

SEC. 3. Section 33703 is added to said code, to read:

33703. A redevelopment plan for a project area shall conform to the master or general community plan insofar as the latter applies to the project area. The agency shall consult with the planning commission of the community in formulating redevelopment plans. A redevelopment plan for a project area shall be based upon the approved tentative plan, but any amendments to a redevelopment plan pursuant to Section 33747 need not be based on the approved tentative plan. Redevelopment plan

SEC. 4. Section 33747 is added to said code, to read:

33747. If at any time after the adoption of a tentative or redevelopment plan for a project area by the legislative body, it becomes necessary or desirable to amend or modify such plan, the legislative body may amend such plan upon the recommendation of the agency. Amendment of plan

Before recommending amendment of the plan the agency shall hold a public hearing on the proposed amendment. Notice of such hearing shall be published once a week for three successive weeks prior to the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the area designated in the plan to be amended and a general statement of the purpose of the amendment. Copies of the notices shall be mailed to the last known assessee of each parcel of land within such boundaries, at his last known address as shown by the records of the assessor for the Notice, hearing, etc

community, and to persons, firms, or corporations which have acquired property within such boundaries from the agency, at his last known address as shown by the records of the agency. If after the public hearings the agency recommends substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, such changes shall be submitted to the planning commission for its report and recommendation to the legislative body within 30 days after such submission.

Recommendation

After receiving the recommendation of the agency concerning such changes in the plan, and not sooner than 30 days after the submission of changes to the planning commission,

Hearing

the legislative body shall hold a public hearing on the proposed amendment, notice of which hearing shall be published in a newspaper in the manner and at the times designated above for notice of hearing by the agency. If after such hearing the legislative body determines that the amendments in the plan, proposed by the agency, are necessary or desirable, the legislative body shall adopt an ordinance amending the ordinance adopting the plan thus amended.

Urgency

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

At the present time the law provides no method for amending a redevelopment plan after it has been officially adopted. In many communities of the State in which such plans have been adopted there is an urgent need for an amendment to a portion of such plan in order to more adequately meet the needs of the community. In order to expedite the orderly redevelopment of blighted areas necessary for the public health, safety and welfare of this State, it is necessary that this act take effect immediately.

CHAPTER 1762

An act to amend Section 7747 of the Education Code, relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 7747 of the Education Code is amended to read:

Failure to use site or improvements

7747. Whenever a school district receives, or has received, an apportionment under this chapter for or toward the purchase or improvement of a school building site and whenever, within a period of three years after the date on which the

duly authorized representative of the board shall have heretofore or hereafter authorized in writing, pursuant to the terms of such apportionment, the expenditure by the district for said site, either from state funds apportioned or funds which the district is required by the board to contribute toward the cost thereof, the district sells or otherwise disposes of such site or the improvements thereon, or any portion thereof purchased or improved in whole or part from said apportionment, or within not less than one year nor more than three years from the date of said authorization, as the board shall determine, the district does not begin to use such site or the improvements thereon for the purpose or purposes for which said apportionment was made, the board shall demand the return by the school district of the total amount of state funds apportioned to and received by the school district for such purpose or purposes less any repayment made prior to such demand by the district on account of such apportionment, or, in case of a sale of a portion of such site or the improvements thereon, a proportionate share of such apportionment taking into consideration any improvement of the site from such apportionment. Written notice of such demand, setting forth the amount due the State pursuant thereto, shall be furnished by the board to the governing board of the school district, the county superintendent of schools, the county auditor, the county treasurer of the county whose county has jurisdiction over the school district, and the State Controller. Upon receipt of such notice and demand, the governing board of the school district shall, at the time of the next county settlement following receipt of such notice, 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 State School Building Aid Fund, to be reapportioned by the board.

Notice of demand

Whenever a school district receives or has received an apportionment under this chapter for the purchase of a site which contains existing improvements, the board may require the district to dispose of such existing improvements as a condition of receiving an apportionment in such manner as the board deems proper, and contribute the net proceeds therefrom or the value of any consideration received therefor, in reduction of any apportionment. In the event that the district is not so required to dispose of such existing improvements but after receiving such apportionment subsequently disposes thereof, the net proceeds therefrom or the value of the consideration received therefor, shall be contributed by the district in reduction of any remaining indebtedness to the State under this chapter or Chapter 1.6 of Division 3 of the Education Code.

Existing improvements

Where a district has been unable to use any building site acquired by an apportionment under this chapter because of the delay of the board in acting upon its application for an

Extension of time

apportionment for the planning and construction of school buildings on such site, the board may withhold demand for repayment of the apportionment for such building site for a period of not less than one or more than three years after approval of the apportionment for planning and construction.

Enforcement

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the State.

Urgency

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

The law is not clear as to the extent to which the State can recover the proceeds from the sale of improvements or other surplus property acquired as a result of purchase of school sites with state aid. Substantial amounts are sometimes involved, and the amount recovered correspondingly reduces the apportionment to the school district. Any failure to recover such funds would result in less funds available for apportionment to other school districts for urgently needed school facilities. It is therefore necessary that this act take effect immediately.

CHAPTER 1763

An act to repeal Sections 1501, 1572, 4728, 7206, 7207, 9607.2, 9607.3, 9807, 9807.2, 9808, 9809.1, 10324, 10324.5, 10506, 10506.5, 13322, 13323, 16461, 16463, and 19131, and Article 5 of Chapter 1 of Division 2 (Sections 1101-1107, inclusive), Article 7 of Chapter 8 of Division 4 (Sections 9481-9485, inclusive), Article 2 of Chapter 9 of Division 4 (Sections 9641-9646, inclusive), Article 10 of Chapter 4 of Division 8 (Sections 16791-16794, inclusive), Article 5 of Chapter 6 of Division 9 (Sections 18941-18946, inclusive), Article 3.5 of Chapter 7 of Division 9 (Sections 19101-19105, inclusive), and Article 4.5 of Chapter 7 of Division 9 (Sections 19141-19143, inclusive) of the Education Code; to add Chapter 8.1 to Division 4 of, and Section 364.1 to said code; and to amend Sections 9801.1, 9801.2, 9804, and 9807.1 of said code, and to amend the article heading of Article 4, Chapter 3, Division 8 of said code, relating to county school service funds and the Public School System.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Sections 1501, 1572, 4728, 7206, 7207, 9607.2, 9607.3, 9807, 9807.2, 9808, 9809.1, 10324, 10324.5, 10506, 10506.5, 13322, 13323, 16461, 16463, and 19131, and Ar-

ticle 5 of Chapter 1 of Division 2 (Sections 1101-1107, inclusive), Article 7 of Chapter 8 of Division 4 (Sections 9481-9485, inclusive), Article 2 of Chapter 9 of Division 4 (Sections 9641-9646, inclusive), Article 10 of Chapter 4 of Division 8 (Sections 16791-16794, inclusive), Article 5 of Chapter 6 of Division 9 (Sections 18941-18946, inclusive), Article 3.5 of Chapter 7 of Division 9 (Sections 19101-19105, inclusive), and Article 4.5 of Chapter 7 of Division 9 (Sections 19141-19143, inclusive) of the Education Code are repealed. Repeal

SEC. 2. Chapter 8.1 is added to Division 4 of said code, to read:

CHAPTER 8.1. COUNTY SCHOOL SERVICE FUND SERVICES

Article 1. General Provisions

9501. The Legislature hereby declares that it is in the interest of the State and of the people for the office of the county superintendent of schools, through the county school service fund, to provide coordination of the educational program among districts under his jurisdiction and to provide professional and financial assistance to school districts which otherwise, because of size or location, would not be able to furnish a satisfactory program of education for their children. Such assistance is a matter of general concern inasmuch as the education of the children of the State is an obligation and function of the State. Legislative declaration:

In adopting this act, the Legislature considers that the coordination of the educational program constitutes the greatest continuing need to be met through the county school service fund. To meet this need the necessity is recognized to provide professional services to coordinate courses of study, guidance services, health services, special education, attendance activities, and advisory services in school business administration.

As an additional need, the Legislature recognizes the necessity to provide professional services in districts too small to supply such services for themselves economically and effectively, such as, (1) to prepare courses of study; (2) to supervise instructional practices; (3) to provide direct guidance services, health services, and attendance services normally provided in an educational program; (4) to provide for the purchase, distribution, and use of supplementary instructional materials and equipment; and (5) to provide educational opportunity to normal and special pupils who would otherwise be denied it. It is recognized further that providing for professional service is a transitory function of the county school service fund to be assumed by school districts when, through growth or reorganization, they will be able to perform the services for themselves.

It is the further intent of the Legislature that: Same

(a) Services involving the coordination of the educational program which have among others the purposes of (1) enforc-

ing minimum standards, (2) improving the educational program, and (3) promoting order and reasonable uniformity in the educational program shall be provided, except as may be specifically authorized, at the district level, reserving to the district the opportunity and responsibility for internal improvement, and that such services will be provided in such a manner that recognition will be given to the responsibilities placed upon school districts by the Legislature to determine and administer their own educational program.

(b) Services to school districts which do not constitute coordination among districts shall be provided in such a manner that impetus will be given to strengthening school districts and to improving district organization to the end that more effective programs of education may be offered, and that the provision of services through the county school service fund shall not act to deter or delay any school districts from furnishing such services for themselves.

(c) Services to school districts shall be cooperatively provided by two or more county superintendents of schools without regard for county boundaries whenever a particular service may be so provided with economy and effectiveness.

(d) The direct operation of an educational program by the county superintendent of schools shall, except as specifically authorized by the Legislature, be limited to those emergency cases where children would otherwise be denied an opportunity for education.

County school service fund

9502. The county school service fund shall be used to pay for those services provided by the county superintendent of schools that are authorized by this chapter, and for such other purposes as are specifically authorized elsewhere in this code.

Article 2. Coordination

Coordination of courses of study, etc

9505. The county superintendent of schools may, with the approval of the county board of education and in accordance with regulations of the Superintendent of Public Instruction which he is hereby authorized to adopt, employ qualified personnel to provide for the coordination of courses of study, guidance services, health services, special education, attendance activities, and advisory services in school business administration activities among the school districts under his jurisdiction. The regulation of the Superintendent of Public Instruction adopted pursuant to this section shall be adopted with the advice of an advisory committee to include county superintendents of schools, which the Superintendent of Public Instruction is herewith authorized to appoint.

Credential required

9506. The services described in Section 9505 shall, except in advisory services in school business administration activities, clerical, accounting, and stenographic services, be performed by persons who hold a valid credential of one or more of the following types issued by the State Board of Education:

(a) Elementary or secondary school administration credential

(b) Elementary or secondary school supervision credential
(c) Special subject supervision credential
(d) A credential which authorizes service similar to that authorized by one or more of the foregoing types of credentials.

Any person who is employed in the office of a county superintendent of schools on the effective date of this section and is performing any of the services described in this article may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

Article 3. Preparation of Courses of Studies

Courses of study

9510. The county superintendent of schools may, with the approval of the county board of education, provide for the preparation of courses of study to be used in the elementary school districts under his jurisdiction, except districts governed by a city board of education.

Payment of costs

9511. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any school district under his jurisdiction, other than specified in Section 9510, to provide for the preparation of courses of study by the county superintendent of schools for use in such districts. The agreement shall provide for the payment of the cost of services rendered.

Credential required

9512. The services described in Sections 9510 and 9511 shall, except clerical, accounting, and stenographic services, be performed by persons who hold a valid credential of one or more of the following types issued by the State Board of Education:

(a) Elementary school administration credential
(b) Elementary school supervision credential
(c) Special subject supervision credential
(d) A credential which authorizes service similar to that authorized by one or more of the foregoing types of credentials.

Any person who is employed in the office of a county superintendent of schools on the effective date of this section and is performing the services described in this article may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

Article 4. Supervision of Instruction

Supervision in elementary schools

9515. The county superintendent of schools may, with the approval of the county board of education, employ supervisors to supervise instruction in the elementary school districts under his jurisdiction which had less than 901 units of average daily attendance during the preceding fiscal year and in the

elementary schools of unified school districts under his jurisdiction which had less than 1,501 units of average daily attendance during the preceding fiscal year. The services of supervisors shall be made available in such elementary and unified districts in which adequate supervision of instruction is not being provided by the district.

Agreement for supervision

9516. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any elementary school district under his jurisdiction for the supervision of instruction in the district by the county superintendent of schools. The agreement shall provide for the payment of the cost of providing the supervision of instruction. The county superintendent of schools shall transfer from the funds of the district to the county school service fund the amounts set forth in the agreement.

Credential required

9517. The services described in Sections 9515 and 9516 shall be performed by persons who hold a valid credential issued by the State Board of Education authorizing such service.

Article 5. Health Services

Supervisors of health

9520. The county superintendent of schools may, with the approval of the county board of education, employ one or more supervisors of health, as supervisors of health are defined in Section 16441, to provide health services to pupils in elementary school districts under his jurisdiction which had less than 901 units of average daily attendance during the preceding fiscal year, to pupils in high school districts under his jurisdiction which had less than 301 units of average daily attendance during the preceding fiscal year, and to pupils in unified school districts under his jurisdiction which had less than 1,501 units of average daily attendance during the preceding fiscal year.

County health department

9521. In lieu of employing supervisors of health, the county superintendent of schools may, with the approval of the county board of education, contract with the board of supervisors of the county in which he holds office for the provision of health services by employees of the county health department to pupils in the school districts specified in Section 9520.

Payment of costs

9522. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any school district under his jurisdiction for the provision of any or all health services to the district by the county superintendent of schools. The agreement shall provide for the payment of the cost of providing the services. The county superintendent of schools shall transfer from the funds of the district to the county school service fund the amounts set forth in the agreement.

Credential required

9523. The services described in Sections 9520, 9521, and 9522 shall be performed by persons who hold a valid health and development credential issued by the State Board of Edu-

cation; provided, however, that a psychologist may be employed to perform psychological services or may perform psychological services under contract if he is the holder of a valid school psychologist credential issued by the State Board of Education.

Duties

9524. A supervisor of health employed by the county superintendent of schools shall perform such duties in connection with the supervision of health of pupils as are prescribed by the county superintendent of schools. All rules governing health services provided pursuant to Sections 9520, 9521, or 9522 shall be made by the county superintendent of schools.

Article 6. Attendance Services

Personnel to supervise attendance of pupils

9525. The county superintendent of schools may, with the approval of the county board of education, employ personnel to supervise the attendance of pupils in elementary school districts under his jurisdiction which had less than 901 units of average daily attendance during the preceding fiscal year, in high school districts under his jurisdiction which had less than 301 units of average daily attendance during the preceding fiscal year, and in unified school districts under his jurisdiction which had less than 1,501 units of average daily attendance during the preceding fiscal year, if the districts are not served by any district supervisor of attendance.

Cost

9526. The county superintendent of schools may, with the approval of the county board of education, provide for the supervision of the attendance of pupils in school districts under his jurisdiction other than specified in Section 9525. The county superintendent of schools shall transfer from the funds of the district to the county school service fund an amount equal to the actual cost of providing for the supervision of attendance.

Credential required

9527. The services described in Sections 9525 and 9526 shall be performed by persons who hold a valid credential issued by the State Board of Education authorizing performance of the service.

Article 7. Guidance Services

Personnel to provide guidance services

9530. The county superintendent of schools may, with the approval of the county board of education, employ personnel to provide necessary guidance services to pupils in elementary school districts under his jurisdiction which had less than 901 units of average daily attendance during the preceding fiscal year, in high school districts under his jurisdiction which had less than 301 units of average daily attendance during the preceding fiscal year, and in unified school districts under his jurisdiction which had less than 1,501 units of average daily attendance during the preceding fiscal year; provided, adequate guidance services are not being furnished by the district.

Payment of costs

9531. The county superintendent of schools may, with the approval of the county board of education, enter into an agree-

ment with the governing board of any district for the provision of guidance services in the district by the county superintendent of schools. The agreement shall provide for the payment by the district of the cost of providing the guidance services. The county superintendent of schools shall transfer from the funds of the district to the county school service fund the amounts set forth in the agreement.

Credential required

9532. The services described in Sections 9530 and 9531 shall be performed by persons who hold a valid credential issued by the State Board of Education authorizing performance of the service.

Article 8. Library Services

Library services

9535. (a) The county superintendent of schools may, with the approval of the board of supervisors and the county board of education, agree with the county librarian to take over all existing contracts for supplementary books and other material adopted for the course of study between the school districts and the county librarian entered into pursuant to the provisions of Article 4 of Chapter 7 of Division 9 of this code. Thereafter the county superintendent of schools shall generally perform such library services for the school districts as were theretofore performed by the county library.

Supplementary book services

(b) After the above agreement has been entered into, the governing board of any school district which had not yet joined the county library may enter into an agreement with the county superintendent of schools for the performance of supplementary book services for the school library.

Credential required

(c) Whenever the county superintendent of schools performs supplementary book services for the school library of any district, the provisions of Article 4 of Chapter 7 of Division 9 of this code, so far as applicable, shall control. The county superintendent shall employ a librarian holding a valid credential authorizing services as a librarian issued by the State Board of Education or having possession of a certificate showing completion of a year's work in an accredited library school. He shall also employ such assistants as may be necessary to carry on this service. The cost of the salaries of such librarian and assistants, and the other necessary expenses of maintenance of the library, including necessary supplies, equipment, and books, may be paid from the county school service fund.

Costs

County school library service

9536. (a) The county superintendent of schools of any county in which no county library is maintained may, with the approval of the county board of education, establish and maintain a county school library service for such elementary school districts of the county as elect to participate in such service.

(b) Upon the governing board of any elementary school district electing to participate in such service, the governing

board of the district shall enter into an agreement with the county superintendent of schools, and the provisions of Articles 4 and 5 of Chapter 7 of Division 9 of this code shall control and be applicable in the same manner as they apply to a school district which agrees to make the school library a branch of the county library.

Powers, etc

(c) The county superintendent of schools shall have the same powers, duties, responsibilities, and jurisdiction with respect to the furnishing and performance of library services to elementary school districts which have elected to participate in the county school library service as may be exercised by a county library with respect to school district libraries which are branches thereof.

Credential required

(d) Whenever the county superintendent of schools establishes and maintains a county school library service pursuant to subdivision (a) of this section, he shall employ a librarian holding a valid credential in librarianship issued by the State Board of Education or having possession of a certificate showing completion of a year's work in an accredited library school.

Cooperation

(e) The county superintendents of schools of two or more contiguous counties which have established county school library services under the provisions of this section may cooperate with each other and to that end may enter into agreements with each other, and may do any and all things necessary or convenient to aid and cooperate in carrying out the provisions of this section.

Purchase of books

9537. The county superintendent of schools may, with the approval of the county board of education, agree with the proper authorities of the county to transfer funds from the county school service fund to the county library for the purchase of such books and other materials as are adopted by the body authorized to adopt courses of study for the school districts of the county.

Emergency elementary schools

9538. The county superintendent of schools of any county maintaining one or more emergency elementary schools may, if the county maintains a county library, enter into an agreement with the proper authorities of the county to establish a branch county library in each of the schools under such terms and conditions as may be agreed upon. The agreement may, among other matters, provide for the payment by the county superintendent of schools to the proper authorities for the use of the county library from the county school service fund of such money at such times as may be agreed upon. All money transferred shall be used solely by the authorities of the county library for the purchase of books and other materials as may be adopted by the county board of education and for the care and distribution of such books and other materials to school libraries which are branch county libraries.

County teachers' library

9539. (a) The county superintendent of schools may establish a county teachers' library and expend from the county school service fund such amounts as are necessary for the

purchase of books therefor and for the payment of the necessary expenses of maintenance thereof.

(b) If there is a county library in any county, the county superintendent of schools may enter into an agreement with the county library for the transfer to it of all books and other property belonging to the county teachers' library and may order such sums to be transferred from the county school service fund as are necessary for expenditure for the purchase and maintenance of books of professional interest to teachers. Thereupon the teachers' library shall be administered as a part of the county library.

Article 9. Audio-Visual Services

Audial and visual curriculum materials

9545. (a) The county superintendent of schools may, with the approval of the county board of education, establish, conduct, and maintain facilities, for use in the elementary and secondary schools of the school districts under his jurisdiction that elect to participate in the use of the facilities, which provide for audial and visual curriculum materials, including the necessary salaries, supplies, materials, apparatus, and equipment and other necessary expenses.

Payment for use of facilities

(b) The county superintendent of schools shall, with the approval of the county board of education, enter into an agreement with the governing board of any district electing to participate which shall provide for payment by the district for the use of audio-visual facilities. The county superintendent of schools shall, with the approval of the county board of education, prescribe the method for determining the amount to be paid for the use of the facilities, but in no event shall the total payments made to the county superintendent of schools of any county by the school districts of that county be less than one-fourth in the Fiscal Year 1956-57, one-third in the Fiscal Year 1957-58, and one-half in the Fiscal Year 1958-59 and thereafter, of the total cost of the use of the facilities provided to the school districts electing to participate, except that the Superintendent of Public Instruction may provide county school service fund money in addition to the established ratio of support in those counties in which he determines that sparsity of population increases operational costs.

(c) Films and film strips shall be adopted by the county board of education before they are purchased by the county superintendent of schools.

Credential required

9546. The services described in Section 9545, except clerical, accounting, and stenographic services, shall be performed by persons who hold a valid credential issued by the State Board of Education of one or more of the types specified in Section 9506.

Any person who is employed in the office of a county superintendent of schools on the effective date of this section and is performing any of the services described in this article may continue to perform such services without possessing the cre-

dential otherwise required as long as he remains continuously employed in his position.

Distribution of materials

9547. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the State, any political subdivision, or any agency of the State or of any political subdivision, to conduct and maintain distribution among schools of districts under the jurisdiction of the county superintendent of schools, under such conditions as are agreed upon, of audial and visual instruction materials and apparatus approved by the constituted educational authorities. The State, any political subdivision, or any agency of the State or of any political subdivision may enter into any agreement with a county superintendent of schools authorized by this article.

Payments for materials, etc.

9548. The agreement may, among other matters, provide for the payment by the county superintendent of schools, at such times as are agreed upon, from the county school service fund to the State, political subdivision, or agency, of money for the distribution of materials and apparatus among the schools under his jurisdiction. All money transferred shall be used by the authorities of the State, political subdivision, or agency solely for the acquisition of audial and visual materials and apparatus as may be designated by the constituted educational authorities and for the care and distribution to schools of the county of the materials and apparatus.

Acquisition of materials, etc

9549. The county superintendent of schools and the State or any political subdivision, or any agency of the State or of any political subdivision, may acquire materials and apparatus for distribution pursuant to this article, by purchase, rental, lease, loan, or donation, if the materials and apparatus have been adopted as required by law.

9550. The governing board of any school district may contract with the county superintendent of schools having jurisdiction over the district, with the State, any political subdivision, or any agency of the State or of any political subdivision, for the rendering to the schools of the district of any service authorized by this article, and may pay for the service out of any funds of the district.

All funds paid by a school district to a county superintendent of schools for services rendered to the schools of the district shall be deposited in the county school service fund.

Article 10. Annual Meeting of School Trustees

Trustees meeting

9555. The county superintendent of schools may, with the approval of the county board of education, hold one trustees meeting in each year as follows:

(a) One school trustee of each school district of the county shall attend the meeting and participate in its proceedings.

(b) School trustees of each school district shall select the trustee who shall attend the meeting.

(c) Each trustee selected to attend the meeting shall be allowed his actual traveling expenses for not to exceed one day incurred in going to and returning from the meeting. The expenses shall be verified by the county superintendent of schools.

(d) The county superintendent shall notify each trustee of the county at least 10 days prior to calling of the trustees meeting of the time and place of the meeting.

(e) Each session of the trustees meeting may be called at any hour on the day specified and may continue for such time as those meeting see fit.

(f) The county superintendent shall draw his requisition on the county auditor who shall draw his warrant on the county school service fund to pay the expenses of holding the trustees meeting.

Article 11. Institutes

Annual teachers institute

9558. The county superintendent of schools may, with the approval of the county board of education, hold an annual teachers institute in each year as provided in Chapter 10, Division 7 of this code.

Annual institute of noncertificated employees

9559. The county superintendent of schools may, with the approval of the county board of education, hold an annual institute of noncertificated employees in each year as provided in Article 3, Chapter 13, Division 7 of this code.

Article 12. Education of Physically Handicapped

Disabled, handicapped, etc., minors

9560. The county superintendent of schools of any county maintaining a school or special day classes for minors who are cerebral palsied, orthopedically handicapped, visually handicapped, or aurally handicapped may, with the approval of the county board of education, enter into an agreement with the governing board of any school district under his jurisdiction for the education, under such terms and conditions as are set forth in the agreement, by the county superintendent of schools of such minors residing in the district.

Remedial classes

9561. The county superintendent of schools may, with the approval of the county board of education, enter into an agreement with the governing board of any school district under his jurisdiction for the education in remedial classes of physically handicapped pupils who are excused from regular classes for a portion of a class period. The cost of such education to the school district shall not exceed the actual cost thereof to the county superintendent of schools.

Education of physically handicapped minors

9562 The county superintendent of schools may, with the approval of the county board of education, provide for the education of physically handicapped minors who otherwise would be denied proper educational advantages. The education may be provided:

(a) In emergency elementary schools;

(b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county;

(c) By the maintenance of special classes of secondary grade;

(d) By the employment of home instructors to give individual instruction in the home or at the bedside in institutions;

(e) By cooperation with the Bureau of Vocational Rehabilitation of the State Department of Education in the provision of individual instruction and coordination services; or

(f) By contract with the county superintendent of schools of another county or with the governing board of any school district.

Report

9563. Each county superintendent of schools providing for the education of physically handicapped children pursuant to this article shall report annually to the Superintendent of Public Instruction on forms provided by him the total average daily attendance of physically handicapped pupils by types of instruction provided, the cost of educating the pupils, and such other information as may be required, for each elementary and high school district in which the education is provided.

"Excess expense"

9564. The Superintendent of Public Instruction shall determine the amount of excess expense incurred by each county superintendent of schools for the education of physically handicapped pupils. "Excess expense" as used in this section means that amount by which the current expense of education incurred for physically handicapped pupils exceeds the amount to be apportioned under the provisions of Article 5 of Chapter 15 of Division 3 of this code to the county school service fund during the then current year on account of the average daily attendance of all pupils whose attendance is credited to the county school service fund at the level for which the excess expense is to be determined, exclusive of the average daily attendance of pupils in a juvenile hall school maintained by the county superintendent of schools during the preceding fiscal year.

9565. In determining the excess expense incurred by a county superintendent of schools for the education of physically handicapped minor pupils under Section 9564, 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 7018.1, to and from special day classes.

Article 13. Education of Mentally Retarded

Special training schools

9570. (a) The county superintendent 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 901 and who come within the provisions of Section 9801 1. Such schools and classes shall be established at centrally located places, and the county super-

intendent of schools shall provide transportation to the pupils attending them.

(b) The county superintendent of schools may, with the approval of the county board of education, 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 9801.1 and contract with an elementary or unified school district with an average daily attendance of 901 or more, subject to such terms and conditions as may be agreed upon. The contract shall be approved by the county board of education and shall require the district to pay to the county school service fund of the county in which the district is located all costs of the education of such minors which are in excess of the amounts apportioned from the State School Fund for the average daily attendance of such minors.

Whenever a special training school or class is established under the provisions of this subdivision, the computations prescribed by Sections 7034 and 7037 shall not apply.

(c) The county superintendent of schools may, with the approval of the county board of education, 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.

Minors who become 18

9571. Each county superintendent of schools maintaining special training schools or classes for mentally retarded minors pursuant to subdivision (c) of Section 9570 may limit the number of minors to be admitted to such schools or classes. Any 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 the school or class is maintained during the then current school year.

Transportation to schools

9572. Any county superintendent of schools otherwise required or authorized to maintain special training schools and classes under Section 9570 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 under Chapter 11 of this division or by a county superintendent of schools under this article, subject to such terms and conditions as may be agreed upon. The agreement shall be approved by the county board of education.

9573. In lieu of entering into an agreement for the transportation of mentally retarded minors by the school district or county superintendent of schools, in the special training schools and classes of which the education of such minors is provided under Section 9807.1 or 9572, the school district or county superintendent of schools of the county required to provide for their education may provide such transportation.

Tax

9574. The county superintendent of schools shall, with the approval of the county board of education, certify to the

county auditor and the board of supervisors, on or before July 15th of each year, 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. Also, the county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the board of supervisors, on or before July 15th of each year, 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.

"Excess expense"

9575. The Superintendent of Public Instruction shall determine the amount of the excess expense incurred by each county superintendent of schools for the education of mentally retarded minors. "Excess expense" as employed in this section includes the total current expenses of education incurred for mentally retarded minors instructed in special schools or classes, over the amount to be apportioned as basic state aid under the provisions of Article 5 of Chapter 15 of Division 3 of this code to the county school service fund during the then current fiscal year on account of all pupils whose attendance is credited to the county school service fund at the level for which the excess expense is to be determined, exclusive of the average daily attendance of pupils in a juvenile hall school maintained by the county superintendent of schools during the preceding fiscal year.

Article 14. Emergency Schools

Children of migratory laborers

9580. In order to provide elementary education for children residing in the county, or in order to provide elementary education for children of migratory laborers engaged in seasonal industries within the county, the county superintendent of schools may, with the approval of the county board of edu-

cation, when funds are not available from other sources and in his judgment it is necessary, do any one or more of the following acts:

(a) Establish and maintain one or more emergency elementary schools for children.

(b) Provide one or more emergency teachers for the regular elementary schools of the districts in the county for the pupils.

(c) Provide transportation for the children to an elementary school.

In lieu of providing transportation of any pupil, the county superintendent of schools may, with the approval of the county board of education, pay to the parents or guardian of the pupil the cost of food and lodging for the pupil at a place convenient to an elementary school. The amount so paid shall not exceed the cost of providing for the transportation of the pupil to and from his home and the school.

The county superintendent of schools may, with the approval of the county board of education, pay the expenses incurred in providing all the facilities and services authorized in this section, including necessary capital outlays, from the county school service fund.

All emergency schools shall be maintained in accordance with standards prescribed by the Superintendent of Public Instruction.

Payment of expenses

9581. The county superintendent of schools shall draw requisitions upon the unobligated funds of any suspended school district under his jurisdiction to pay in whole or in part the expenses incurred for the maintenance of emergency schools in the district.

Insurance

9582. The county superintendent of schools may, with the approval of the county board of education, insure all real and personal property constructed, purchased, or otherwise provided by him for emergency schools established by him.

Transfer or sale of property

9583. The county superintendent of schools may, with the approval of the county board of education, transfer or sell the real and personal property of any emergency school maintained by him to any elementary school district under his jurisdiction, or to any other political subdivision of the State within which the school is located, upon such terms and conditions as are agreed upon by the county superintendent of schools, with the approval of the county board of education, and the governing board or authority of the district or other political subdivision. Districts and other political subdivisions may enter into such agreements and acquire such property. Any funds received by the county superintendent of schools under this section shall be paid by him into the county school service fund.

Article 15. Miscellaneous

Expenses of administering county schools service fund

9590. The county superintendent of schools may, with the approval of the county board of education, expend county

school service funds for the purpose of administering and accounting for the county school service fund, or he may, with the approval of the county board of education, contract with and pay the board of supervisors for services rendered in administering and accounting for the county school service fund.

Advisory services

9591. The county superintendent of schools may, with the approval of the county board of education, provide advisory services in maintenance of school building and grounds, and in the processing of special problems concerning credentials as designated by the State Department of Education.

Research projects

9592. The county superintendent of schools may, with the approval of the county board of education, employ personnel to conduct projects in research that are in connection with curricular and special services of the county superintendent of schools and which have been approved by the county board of education.

Screening, etc., teachers

9592.5. The county superintendent of schools may, with the approval of the county board of education, provide services to school districts in screening and directing teachers to the schools under his jurisdiction.

Travel expense of superintendent, etc.

9593. The county superintendent of schools may, with the approval of the county board of education, 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.

Description of boundaries

9594. The county superintendent may, if he deems it necessary, order a description of the boundaries of any district under his jurisdiction printed in pamphlet form and pay for the pamphlets out of the county school service fund.

Publication of materials

9595 The county superintendent of schools may with the approval of the county board of education provide for the publication of materials that are necessary in connection with the curricular and special services that the superintendent of schools is authorized to perform in the county.

SEC. 3. Section 364.1 is added to said code, to read:

Expense of housing services

364.1. The expense of providing housing for all the services of the county superintendent of schools shall be allowed by the board of supervisors of the county and paid out of the general fund of the county.

SEC. 4. Section 9801.1 of said code is amended to read:

Special educational facilities

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 and in Article 13 of Chapter 8.1 of this division.

SEC. 5. Section 9801.2 of said code is amended to read:

Mentally retarded minors less than 18

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 ex-

pected 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 and in Article 13 of Chapter 8.1 of this division.

Each school district 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.

Minor who becomes 18

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. 6. Section 9804 of said code is amended to read:

Employees

9804. One person in the Department of Education shall devote his entire time to the supervision of training of mentally retarded minors. The department shall employ such other persons as are necessary to carry out the purposes of this chapter and of Article 13 of Chapter 8.1 of this division.

SEC. 7. Section 9807.1 of said code is amended to read:

Education and transportion of mentally retarded minors

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 under this chapter or by a county superintendent of schools under Article 13 of Chapter 8.1 of this division, subject to such terms and conditions as may be agreed upon.

SEC. 8. The heading of Article 4, Chapter 3, Division 8 of said code is amended to read:

Article 4. Supervisor of Health

Operative date

SEC. 9. This act shall become operative July 1, 1956.

CHAPTER 1764

An act to amend Section 1159 of the Fish and Game Code, relating to cooperative hunting areas.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 1159 of the Fish and Game 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 department 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.

In the case of cooperative hunting areas that are operated for upland game and/or big game the area shall be at least 5,000 acres in size, including the open, restricted and closed portions thereof, and may consist of the adjoining lands of one or more owners. In the case of cooperative hunting areas that are operated for waterfowl hunting the area shall be at least 1,000 acres in size, including the open, restricted and closed portions thereof, 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 and set fees for the management and control of the hunting on such areas, any such fees to be collected by the department and deposited in the Fish and Game Preservation Fund. Cooperative hunting areas may be established in connection with any area that is open to hunting under the provisions of Section 39.1 of this code. 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.

CHAPTER 1765

An act to add Sections 5007 and 5008 to the Penal Code, relating to the investment of money by the Director of the Department of Corrections.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 5007 is added to the Penal Code, to read:

5007. The Director of Corrections may invest any money in the Inmates' Welfare Fund that in his opinion is not necessary for immediate use, with the approval of the Department of Finance, and interest earned and other increment derived from investments made pursuant to this section shall be paid into the Inmates' Welfare Fund of the Department of Corrections.

SEC. 2. Section 5008 is added to said code, to read:

5008. The Director of Corrections may deposit any funds of inmates in his possession in any bank in the State, or, sub-

ject to the approval of the Department of Finance, may invest or reinvest such funds in bonds of the State of California, or in bonds or obligations of the United States of America or for the payment of which the faith and credit of the United States are pledged and for the purposes of deposit only, may mingle the funds of any inmate with the funds of other inmates. The director shall deposit the interest or increment accruing on such funds in the Inmates' Welfare Fund.

CHAPTER 1766

An act to amend Section 21364 of the Government Code, relating to the special death benefit under the State Employees' Retirement System.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 21364 of the Government Code is amended to read:

21364. The special death benefit consists of:

(a) An amount equal to and derived from the same source as the basic death benefit; and

(b) An amount sufficient, when added to the amount equal to the basic death benefit, exclusive of the annuity provided by the deceased's accumulated additional contributions, to provide when applied according to tables adopted by the board, a monthly death allowance, equal to one-half of his final compensation in the membership category applicable to him at the time of the injury or the onset of the disease causing death, payable to the surviving wife to whom he was married prior to sustaining the injury or disease resulting in death, as long as she lives or until her remarriage; or if there is no widow, or if the widow dies or remarries before all children of the deceased member attain age 18, to his children under 18 collectively until every child dies or attains 18. The computation for time prior to entering the membership category applicable to the deceased at the time of the injury or the onset of the disease causing death shall be based on the compensation earnable by him in the position first held by him in that category.

(c) An annuity which is the actuarial equivalent, assuming monthly payments for life to the surviving wife, of the deceased's accumulated additional contributions at the date of his death, plus his accumulated contributions at that date based on compensation earned in any membership category other than the category applicable to him at the time of the injury or the onset of the disease causing death.

CHAPTER 1767

An act to add Section 7714.3 to the Education Code, relating to state school building aid, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1955 Filed with Secretary of State July 8, 1955] In effect immediately

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

SECTION 1. Section 7714.3 is added to the Education Code, to read:

7714.3. If an apportionment is or has been made at any time after September 9, 1953, for construction on a site for which an apportionment was made pursuant to Section 7714.1, from and after the date said apportionment for construction becomes, or became, final, no repayment deductions by the Controller pursuant to Section 7731 attributable to the apportionment for said site shall thereafter be made, except that any such repayment deductions attributable to such site apportionment which would otherwise be made by the Controller during the fiscal year in which such construction apportionment becomes final shall be made during such fiscal year only. The balance of the principal amount of the apportionment for said site, and accrued interest thereon, shall be added by the Controller to and become part of the apportionment for construction, as of the date of such apportionment, and repaid in the manner otherwise prescribed by this article. The Controller shall promptly notify the governing board of the district and the county auditor of the county, the county superintendent of which has jurisdiction over the district, of any revision required by this section of any previous computation made by him pursuant to Section 7735.

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

According to legal opinion, the first annual repayment under this chapter is constructively paid at the beginning of the fiscal year following the year in which an apportionment for a school site has been made, although the actual cash transfers and tax collections involved, occur between one and two years later. As a result, school districts that have had site apportionments merged with construction apportionments, as provided by Section 7714.1, must nevertheless levy the special additional taxes with respect to such site apportionment a year or more after the consolidation of the two apportionments.

The situation arising out of this legal interpretation was contrary to the general understanding of the operation of the special repayment provisions of Section 7714.1. It inadvertently leaves an additional tax burden on heavily taxed school

districts and discourages the purchase of urgently needed school sites. Since such additional taxes will be levied in the 1955-56 Fiscal Year if this act does not become operative until 90 days after adjournment of the 1955 Legislature, it is necessary that it take effect immediately.

CHAPTER 1768

An act to add Section 169 to the Vehicle Code, relating to implements of husbandry.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 169 is added to the Vehicle Code, to read:

169. Implement of Husbandry Identification Plate. Any person who owns an implement of husbandry which is exempt from registration may, but is not required to, apply to the department, on a form prescribed by the department, for an identification plate for such vehicle. The department shall issue an identification plate to the owner upon presentation of the application and payment of a service fee of five dollars ($5), which fee shall be credited to the Motor Vehicle Fund.

The application shall include a statement by the owner of the use or uses which he intends to make of the implement of husbandry, a description of such vehicle, including distinctive marks or features, if any, a photograph of the vehicle, and such other information as may reasonably be required by the department to determine whether the applicant is entitled to be issued an identification plate for the vehicle.

Each identification plate issued under this section shall bear a distinctive number to identify the implement of husbandry for which it is issued. The owner, upon being issued a plate, shall attach it to the vehicle for which it is issued, and it shall be unlawful for any person to attach or use the plate upon any other vehicle. If the vehicle is destroyed or the ownership thereof transferred to another person, the person to whom the plate was issued shall first remove the plate and, within 10 days after removing the plate, return it to the department, together with a notice, on a form approved by the department, that the vehicle has been destroyed or the ownership thereof transferred to another person.

CHAPTER 1769

An act to amend Section 2815 of the Business and Professions Code, relating to nursing.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.] In effect September 7, 1955

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

SECTION 1. Section 2815 of the Business and Professions Code is amended to read:

2815. 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:

(a) The fee to be paid upon the filing of an application for license by any person who is a graduate of an accredited school of nursing in the State of California, is five dollars ($5).

(b) The fee to be paid upon the filing of an application for license by any other person is ten dollars ($10).

(c) The fee to be paid upon the filing of an application for a temporary license is two dollars ($2).

(d) The biennial fee to be paid upon the filing of an application for renewal shall be set by the board at not more than four dollars ($4) nor less than one dollar ($1).

(e) The penalty fee for failure to renew a license within the prescribed time is two dollars ($2).

No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

CHAPTER 1770

An act to amend Section 2554 of the Business and Professions Code, relating to dispensing opticians.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.] In effect September 7, 1955

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

SECTION 1. Section 2554 of the Business and Professions Code is amended to read:

2554. Certificates issued under this chapter shall be valid, unless sooner suspended or revoked, for the current year in which issued and shall expire on December 31st of such year. Certificates shall be renewable upon application for renewal being made prior to January 15th of each year and the payment of a renewal fee which shall be set by the board annually at not more than thirty dollars ($30) and not less than fifteen dollars ($15). If application for renewal is not made by January 15th an additional fee of fifteen dollars ($15) shall be paid on account of delinquency in renewal, but any such appli-

cation for renewal must be made prior to February 15th of each year otherwise the right to do business under the provisions of this chapter is forfeited. All fees collected under this chapter shall be paid into the contingent fund of the Board of Medical Examiners. The Board of Medical Examiners may employ, subject to civil service regulations, whatever additional clerical assistance is necessary for the administration of this chapter.

CHAPTER 1771

An act to amend Sections 2102 and 2458 of the Business and Professions Code, relating to the practice of medicine.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 2102 of the Business and Professions Code is amended to read:

Terms

2102. Members of the board shall be appointed for a term of four years, and each member shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The terms of the members of the board in office when this chapter takes effect shall expire as follows: three on January 15, 1938; two on January 15, 1939; three on January 15, 1940; and two on January 15, 1941. The terms shall expire in the same relative order as to each member as the term for which he holds office before this chapter takes effect.

Vacancies

Vacancies occurring shall be filled by appointment for the unexpired term.

Limitation on terms

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

SEC. 2. Section 2458 of said code is amended to read:

Fees, etc

2458. The amount of fees and refunds prescribed by this chapter in connection with the certificates issued under its provisions is that fixed by the following schedule:

(a) The fee for each applicant for a certificate by written examination, unless otherwise provided in this chapter, shall be fixed annually by the board at an amount not to exceed fifty dollars ($50) nor less than fifteen dollars ($15). If the applicant's credentials are insufficient or if he does not desire to take the examination, the sum of ten dollars ($10) shall be retained and the remainder of the fee is returnable on application.

(b) Each applicant for a certificate based upon a national board diplomate certificate, and each applicant for a reciprocity certificate, shall pay an application fee in the sum of ten

dollars ($10) at the time his application is filed. If the applicant qualifies for a certificate, he shall be notified and shall pay a fee which shall be fixed annually by the board at a sum not in excess of one hundred dollars ($100) nor less than five dollars ($5) for the issuance of a certificate.

(c) Each applicant for a certificate under Article 6 shall pay an application fee in the sum of ten dollars ($10) at the time his application is filed. If the applicant qualifies for a certificate, he shall be notified and shall pay a fee which shall be fixed annually by the board at a sum not in excess of forty dollars ($40) nor less than five dollars ($5) for the issuance of a certificate.

(d) The annual tax and registration fee shall be fixed annually by the board at a sum not in excess of ten dollars ($10) nor less than one dollar ($1).

(e) The delinquent fee for failure to pay the annual tax and registration fee is ten dollars ($10).

(f) The duplicate certificate fee is two dollars ($2).

(g) The endorsement fee is five dollars ($5).

(h) The fee for issuance of a duplicate certificate upon a change of name authorized by law of a person holding a certificate under this chapter shall be two dollars ($2).

CHAPTER 1772

An act to add Section 1671 to the Business and Professions Code, relating to dentistry.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1671 is added to the Business and Professions Code, to read:

1671. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital of any licensee for a mental illness shall operate as a suspension of the right to practice of any licensee under this chapter, such suspension to continue until restoration to or declaration of sanity or mental competence. The record of adjudication, judgment or order of voluntary commitment is conclusive evidence of such insanity or mental illness, and upon receipt of a certified copy of any such adjudication, judgment, voluntary commitment or order by the board it shall immediately suspend the license of the person adjudicated or committed. The board shall not restore such license to good standing until it shall receive competent evidence of restoration to or declaration of sanity and until it is satisfied that, with due regard for the public interest, said person's right to practice may be safely reinstated. Before reinstating such person, the board may require the person to pass an oral examination to determine his present fitness to resume his practice.

CHAPTER 1773

An act to amend Sections 4361, 4410, and 4415 of, and to add Sections 4143 and 4361.5 to, the Agricultural Code, relating to milk and dairy products.

In effect September 7, 1955

[Approved by Governor July 7, 1955 Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 4143 is added to the Agricultural Code, to read:

Rules and regulations

4143. The director is hereby authorized to adopt and promulgate rules and regulations for the proper administration and enforcement of the provisions of this Article 2. Violations of any such rule or regulation shall be subject to the remedies, procedures and penalties provided in Article 6 of this chapter.

SEC. 2. Section 4361 of said code is amended to read:

Sales, etc., at less than price established by director

4361. No distributor shall sell to any retail store, restaurant, confectionery or other place for consumption on the premises, 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.

"Subsidiary or affiliated company or corporation"

A distributor shall be considered to have violated the provisions of this section if it engages in such violation directly or through an agent, employee, or subsidiary or affiliated company or corporation. For purposes of this section "subsidiary or affiliated company or corporation" includes, but is not limited to, companies or corporations controlled by the distributor directly or indirectly through ownership of issued capital stock or otherwise.

SEC. 3. Section 4361.5 is added to said code, to read:

4361.5. The director is hereby authorized and directed to adopt and promulgate rules and regulations for the proper administration and enforcement of the provisions of Section 4361 of this code. Any such rule or regulation or amendment thereof shall be adopted and promulgated by the director in conformity with the provisions of Chapter 4 of Part 1 of Division 3 of Title 2 of the Government Code. Rules and regulations

SEC. 4. Section 4410 of said code is amended to read:

4410. (a) The violation of any provision of this chapter, or of any provision of any stabilization and marketing plan or any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream formulated under the provisions of this chapter, or of any of the unfair practices set forth in this chapter, or of any rule or regulation duly adopted and promulgated by the director under Section 4361.5, is a misdemeanor, and is furthermore ground for revocation or suspension of license in the manner set forth in this chapter. The unfair practice provisions described in this chapter are hereby declared to apply to all distributors, whether or not a plan is in effect in the area in which a distributor is licensed or carries on business. Penalties

(b) Every distributor must pay for fluid milk or fluid cream delivered to him or it at the time and in the manner specified in the contract with the producer; failure to make such payment is hereby declared to be a violation of this chapter, and ground for refusal, suspension or revocation of license in the manner set forth in this chapter.

(c) Any person who violates any provision of this chapter or of a stabilization and marketing plan or any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream or any rule or regulation duly adopted and promulgated by the director under Section 4361.5 shall be liable civilly in the sum of five hundred dollars ($500) for each and every violation, such sum to be recovered by the director in any court of competent jurisdiction. All sums recovered under this section shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

SEC. 5. Section 4415 of said code is amended to read:

4415. The director may refuse to grant any license herein provided and may revoke or suspend any such license as the case may require when he is satisfied that any applicant or licensee has violated any provision of this chapter, or any provision of any stabilization and marketing plan formulated under the provisions of this chapter, or of any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream formulated under the provisions of this chapter, or any rule or regulation duly adopted and promulgated by the director under Section 4361.5. 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 the powers granted therein. Revocation, etc., of license

The decision may include an order refusing, revoking or suspending the license applied for or held by the respondent, or affixing such other conditional and probationary orders as may be proper for the enforcement of this chapter or any provision of any stabilization and marketing plan formulated under the provisions of this chapter, or of any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream formulated under the provisions of this chapter, or of any rule or regulation duly adopted and promulgated by the director under Section 4361.5.

After any decision including any conditional or probationary orders, should respondent fail, refuse or neglect to comply with any such orders, the director may suspend or revoke the license in accordance with the procedure provided in this section.

Previous violation

Previous violation by any applicant, or by any person connected with said applicant, of any provision of this chapter, or of any provision of any stabilization and marketing plan formulated under the provisions of this chapter, or of any order of the director establishing minimum wholesale and minimum retail prices for fluid milk or fluid cream, formulated under the provisions of this chapter, or any rule or regulation duly adopted and promulgated by the director under Section 4361.5, shall be good and sufficient ground for denial, revocation or suspension of a license.

CHAPTER 1774

An act to amend Section 20373, Education Code to transfer to the State Personnel Board the responsibility for establishing and adjusting classification of state college employees.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 20373, Education Code, is amended to read:

20373. The duties of all presidents, members of teaching staff, officers and employees of state colleges shall be prescribed and fixed by the director, subject to the approval of the State Board of Education. The State Personnel Board shall establish and adjust the salaries of all presidents, members of teaching staff, officers and employees of state colleges in the same manner and following the same procedures as in the establishment and adjustment of state civil service salaries. The State Personnel Board shall establish and adjust the classification of all presidents, officers, and employees of the state college in the same manner and following the same procedures as in the establishment and adjustment of state civil service classifications, except that, all positions filled on

an academic year employment basis and positions as vocational instructors and positions as instructors at California State Polytechnic College shall be classified by the director. Any professors or instructors of military science and tactics courses in charge of any R. O. T. C. units which are established in any state college are not, for the purpose of this article, considered members of a faculty or teaching staff in the state college, but have the status and prerogatives in respect to the respective faculties of the state colleges in which R. O. T. C. units are established, of similar professors or instructors in respect to the faculty of the University of California.

CHAPTER 1775

An act to add Section 19124 to the Health and Safety Code, relating to enforcement of provisions of the Earthquake Protection Laws.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 19124 is added to Part 3, Chapter 2 of the Health and Safety Code, to read:

19124. The Division of Housing in the Department of Industrial Relations may enforce any provision of this chapter which it finds is being violated in a building hereafter constructed, after it has given the enforcement agency written notice of the violation and the enforcement agency has failed to secure correction of the violation within the following 10 days. In such cases where the division processes applications for building permits the fees prescribed in this chapter shall be payable to the division.

CHAPTER 1776

An act to amend Sections 21601, 21602, 21604, 21612, and 21613 of the Education Code, relating to the schooling and care of cerebral palsied and other similarly handicapped children.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 21601 of the Education Code is amended to read:

21601. There are two schools for cerebral palsied and other similarly handicapped children known and designated as

Schools

School for Cerebral Palsied Children, Northern California, and School for Cerebral Palsied Children, Southern California.

SEC. 2. Section 21602 of said code is amended to read:

Object

21602. The schools for cerebral palsied and other similarly handicapped children are a part of the school system of the State, except that they derive no revenue from the Public School Fund, and have for their object diagnosis, and the determination of the treatment, and educational program of children crippled by cerebral palsy or other similar handicaps. These schools provide temporary residence for children, who, by reason of their handicaps, cannot be taught in regular public school classes.

SEC. 3. Section 21604 of said code is amended to read:

Director of education

21604. The Director of Education in relation to the schools for cerebral palsied and other similarly handicapped children shall:

(a) Prescribe rules for the government of the schools.

(b) Appoint the superintendents and other officers and employees.

(c) Remove for cause any officer, teacher or employee.

(d) Fix the compensation of teachers.

(e) Determine the length of, and the time for, vacations of teachers.

(f) Contract with the University of California or with other public or private hospitals or schools of medicine for the establishment and maintenance of two or more diagnostic and treatment centers for cerebral palsied and other similarly handicapped children.

SEC. 5. Section 21612 of said code is amended to read:

Teacher training courses

21612. The Director of Education may authorize the California schools for cerebral palsied and other similarly handicapped children to establish and maintain teacher training courses designed to prepare teachers of college or university students to teach children orthopedically handicapped in special classes in the Public School System. The Director of Education shall prescribe standards for the admission of persons to the courses, and for the contents of the courses.

SEC. 6. Section 21613 of said code is amended to read:

Eligibility for enrollment

21613. Every resident minor of California, of suitable age and capacity, as determined by means of diagnosis at the diagnostic and treatment centers for cerebral palsied and other similarly handicapped children, is entitled to enrollment in a school for cerebral palsied children, free of charge.

Children crippled by cerebral palsy, not residents of California, may be admitted to the benefits of the schools upon paying to the State Department of Education, quarterly in advance, the actual support cost at the average cost of maintaining pupils in the school for the period in question. This cost shall be determined by the Department of Education with the approval of the Department of Finance.

CHAPTER 1777

An act to amend Section 1714.5 of the Civil Code, relating to liability for civil defense activities, including liability during a state of extreme emergency, and liability in connection with the use of civil defense and other facilities during any destructive operation, enemy attack or any defense test.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1714.5 of the Civil Code is amended to read:

1714.5. There shall be no liability on the part of one, including the State of California, county, city and county, city or any other political subdivision of the State of California, who owns or maintains any building or premises which have been designated as a shelter from destructive operations or attacks by enemies of the United States by any council of defense or any public office, body, or officer of this State or of the United States, or which have been designated or are used as mass care centers, first aid stations, temporary hospital annexes, or as other necessary facilities for civil defense purposes, for any injuries arising out of the use thereof for such purposes sustained by any person while in or upon said building or premises as a result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter, or the designation or use thereof as a mass care center, first aid station, temporary hospital annex, or other necessary facility for civil defense purposes, except a wilful act, of such owner or occupant or his servants, agents or employees when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge, treatment, care, or assistance therein during destructive operations or attacks by enemies of the United States or during tests ordered by lawful authority.

No disaster service worker who is performing disaster services ordered by lawful authority during a state of extreme emergency which is either state-wide or within any region or regions of the State shall be liable for civil damages on account of personal injury to or death of any person or damage to property resulting from any act or omission in the line of duty, except one that is wilful.

CHAPTER 1778

An act to add Sections 4030.5 and 4050.5 to the Business and Professions Code, relating to pharmacy.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 4030.5 is added to the Business and Professions Code, to read:

4030.5. Section 4030 shall not apply to a manufacturer or wholesaler if the board shall find that sufficient, qualified supervision is employed by the manufacturer or wholesaler to adequately safeguard and protect the public health, nor shall Section 4030 apply to any laboratory licensed under Section 351 of Title III of the Public Health Service Act (Pub. Law 410, Chapter 373, 78th Cong.—2d Sess.).

SEC. 2. Section 4050.5 is added to said code, to read:

4050.5. Section 4050 shall not apply to a manufacturer or wholesaler if the board shall find that sufficient, qualified supervision is employed by the manufacturer or wholesaler to adequately safeguard and protect the public health, nor shall Section 4050 apply to any laboratory licensed under Section 351 of Title III of the Public Health Service Act (Pub. Law 410, Chapter 373, 78th Cong.—2d Sess.).

Effect Stats. 1955, Ch. 550

SEC. 3. Section 2 of this act becomes operative only if Senate Bill No. 1387 is enacted by the Legislature at its 1955 Regular Session, and in such case at the same time as said Senate Bill No. 1387 takes effect, at which time Section 4030.5 of the Business and Professions Code, as added by this act, is repealed.

CHAPTER 1779

An act to amend Sections 23038, 23039, 23396, 23787, and 24042 of, to add Sections 24070.1, 24072.1, 24072.2, and 25665 to, and to repeal Sections 23786 and 25605 of, the Business and Professions Code, relating to alcoholic beverage control.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 23038 of the Business and Professions Code is amended to read:

"Bona fide public eating place"

23038. "Bona fide public eating place" means a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing con-

veniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health. "Meals" means the usual assortment of foods commonly ordered at various hours of the day; the service of such food and victuals only as sandwiches or salads shall not be deemed a compliance with this requirement. "Guests" shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed to require that any food be sold or purchased with any beverage. "Meals" "Guests"

SEC. 2. Section 23039 of said code is amended to read:

23039. "Public premises" means premises maintained and operated for the selling or serving of alcoholic beverages to the public for consumption on the premises, and in which food shall not be sold or served to the public as in a bona fide public eating place, but upon which premises food products may be sold or served incidentally to the sale or service of alcoholic beverages, in accordance with rules prescribed by the department. "Public premises"

"Public premises" does not include railroad dining or club cars, passenger ships, airplanes, or bona fide clubs after such clubs have been lawfully operated for not less than one year; nor does it include premises in which beer is the only alcoholic beverage sold and served for consumption upon the premises.

SEC. 3. Section 23396 of said code is amended to read:

23396. Any on-sale license authorizes the sale of the alcoholic beverage specified in the license for consumption on the premises where sold. No alcoholic beverages, other than beers, may be sold or served in any bona fide public eating place for which an on-sale license has been issued unless the premises comply with the requirements prescribed in Section 23038. On-sale license

SEC. 4. Section 23786 of said code is repealed. Repeal

SEC. 5 Section 23787 of said code is amended to read:

23787. The department shall, before issuing any on-sale license for the sale of alcoholic beverages, other than beers, to be consumed or otherwise disposed of in any bona fide public eating place, determine whether the public eating place is equipped and maintained in good faith for sales to and consumption by the public of meals upon the premises.

SEC. 6 Section 24042 of said code is amended to read:

24042. Any licensee under an on-sale general license or an on-sale general license for seasonal business who maintains upon or within the premises for which the license is issued more than one room in which there is regularly maintained a fixed counter or service bar at which distilled spirits are served for consumption within the licensed premises shall obtain from the department and the department shall upon request issue, a Duplicate of license for each room

duplicate of his original license for each room, in excess of one, containing a fixed counter or service bar and shall post a duplicate of his original license in each such room. He shall pay to the department at the time of application for each duplicate license an amount equal to the license fee payable for a like period for the distilled spirits privileges of the original on-sale general license or on-sale general license for seasonal business. Failure to obtain the duplicate licenses and to pay the fees and renewal fees therefor shall subject the licensee to the penalties imposed by this division for failure to obtain an original license or to pay the renewal fees therefor.

Notwithstanding the foregoing provisions, a licensee under an on-sale general license, or an on-sale general license for seasonal business, issued for a bona fide public eating place may obtain a duplicate license or licenses under this section for rooms which constitute public premises, as defined in Section 23039, and a licensee under such a license issued for public premises may obtain a duplicate license or licenses under this section for rooms which constitute bona fide public eating places, except that a duplicate license or licenses for rooms which constitute bona fide public eating places shall only be issued after the department has made the investigation and determination required by Section 23787. Rooms which constitute bona fide public eating places shall not be considered public premises, as defined in Section 23039, and the provisions of this division applicable solely to such public premises shall not be applicable to such rooms.

SEC. 7. Section 24070.1 is added to said code, to read:

Transfer of on-sale license

24070.1. An on-sale license issued for a bona fide public eating place may be transferred from the licensee to another person, as provided in Section 24070, for a bona fide public eating place or for public premises, as defined in Section 23039. An on-sale license issued for public premises may be transferred from the licensee to another person, as provided in Section 24070, for public premises or for a bona fide public eating place.

SEC. 8. Section 24072.1 is added to said code, to read:

24072.1. An on-sale license issued for a bona fide public eating place may be transferred from the premises for which issued to other premises, as provided in Section 24072, for a bona fide public eating place or for public premises, as defined in Section 23039. An on-sale license issued for public premises may be transferred from the premises for which issued to other premises, as provided in Section 24072, for public premises or for a bona fide public eating place.

SEC. 9. Section 24072.2 is added to said code, to read:

Exchange of license

24072.2. Any person who has an on-sale license issued for a bona fide public eating place may exchange his license for a similar license for public premises, as defined in Section 23039, and any person who has such a license issued for public premises may exchange his license for a similar license for a bona fide public eating place. Such an exchange may be made only at

the time of renewal of the license sought to be exchanged, and only upon the approval of the department, the payment of an exchange fee of twenty-five dollars ($25), and compliance with the provisions of this division relating to the issuance of an original license.

SEC. 10. Section 25605 of said code is repealed. Repeal

SEC. 11. Section 25665 is added to said code, to read:

25665. Any licensee under an on-sale license issued for public premises, as defined in Section 23039, who permits a person under the age of 21 years to enter and remain on the licensed premises without lawful business therein is guilty of a misdemeanor. Misdemeanor

SEC. 12. This act shall become operative only if Senate Constitutional Amendment No. 2 is proposed by the Legislature at the 1955 Regular Session of the Legislature and is adopted by vote of the people prior to January 1, 1957, in which event this act shall become operative January 1, 1957. If such constitutional amendment is adopted prior to January 1, 1957, any person applying for an on-sale license or renewal thereof for the 1957 calendar year or any portion thereof, other than an on-sale beer license or an on-sale license for a train, boat, airplane, or bona fide club (including a club license or veteran's club license issued pursuant to Articles 4 and 5 of Chapter 3 of Division 9 of the Business and Professions Code), shall indicate in his application whether the license is to be issued or renewed for a bona fide public eating place or for public premises, as defined in Section 23039 of the Business and Professions Code, and, if the department issues or renews the license, it shall issue or renew the license for the type of premises indicated in the application. Act operative only if S C A No 2 of 1955 adopted by people

It is hereby declared to be the intention of the Legislature that if any section of the Business and Professions Code affected by this act is amended by any act enacted at this session of the Legislature, such section, as amended by any such act, shall be and remain in full force and effect until this act becomes operative and shall thereafter have no further force or effect. Legislative intent

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CHAPTER 1780

An act to add Section 13205 to the Education Code, relating to the Public School System.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.] In effect September 7, 1955

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

SECTION 1. Section 13205 is added to the Education Code, to read:

13205. In order to assist school district employees to secure employment during vacation periods in occupations which

tend to contribute to their rendering improved service as employees of the school district, any governing board of a school district or districts, in which the average daily attendance of all said districts combined is in excess of 200,000, is authorized to provide service necessary for aiding its employees in securing such employment.

CHAPTER 1781

An act to amend Section 19360 of the Government Code, relating to transfer of state employees.

In effect September 7, 1955

[Approved by Governor July 7, 1955 Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 19360 of the Government Code is hereby amended to read:

19360. An appointing power may at any time transfer any employee under his jurisdiction: (a) to another position in the same class; or (b) to another position in a different class designated as appropriate by the board; or (c) any employee from one location to another whether in the same position, or in a different position as specified above in (a) or (b). When a transfer under this section reasonably requires an employee to change his place of residence, the employee may request the appointing power to give the employee a written notice of transfer in advance of the effective date of the transfer. On receipt of such a request, the appointing power shall provide to the employee prior to the effective date of the transfer a written notice setting forth in clear and concise language the reasons why the employee is being transferred.

CHAPTER 1782

An act to amend Sections 8704 and 8705 of, and to add Sections 8706, 8707, and Article 3 5, consisting of Sections 9001 to 9003, inclusive, to, the Revenue and Taxation Code, relating to the Use Fuel Tax Law.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 8704 of the Revenue and Taxation Code is amended to read:

Notice and hearing

8704. Whenever any user fails to comply with any provision of this part or any rule or regulation of the board prescribed and adopted under this part, the board upon hear-

ing, after giving the user at least 10 days' notice in writing specifying the time and place of hearing and requiring him to show cause why his permit should not be revoked, may revoke the permit held by him. The notice may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

SEC. 2. Section 8705 of said code is amended to read:

Operating with permit revoked, etc

8705. It is unlawful for any person whose permit has been canceled or revoked to operate as a user of fuel in this State until he has fully complied with the provisions of this part and has been issued a new permit or his permit has been reinstated.

SEC. 3. Section 8706 is added to said code, to read:

Impounding of vehicles

8706. The board or its authorized representatives may impound the vehicles of a user whose permit has been revoked and who continues to use fuel after having been duly notified by the board of the revocation. The board or its representatives may retain possession of the vehicles until the user fully complies with the provisions of this part and all costs incurred in connection with the impounding or storage of the vehicles have been paid.

SEC. 4. Section 8707 is added to said code, to read:

Reinstating permit

8707. Subsequent to the revocation of the permit of a user the board shall reinstate the permit when the user pays the amount of excise tax determined, together with interest and penalties, fully complies with the provisions of this part, and pays a fee of five dollars ($5) to the board for reinstatement.

SEC. 5. Article 3.5 is added to Chapter 5 of Part 3 of Division 2 of the Revenue and Taxation Code, to read:

Article 3.5. Warrant for Collection of Tax

Enforcement of liens

9001. At any time within three years after any person is delinquent in the payment of any amount herein required to be paid, the board or its authorized representative may 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 part. 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.

Advances to sheriff

9002. The board 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 board, and not the court, shall approve the fees for publication in a newspaper.

Fees, etc

9003. The fees, commissions, and expenses are the obligation of the person required to pay any amount under this part and may be collected from him by virtue of the warrant or in any other manner provided in this part for the collection of the tax.

CHAPTER 1783

An act to amend Section 5048.7 of the Education Code, relating to state school building aid.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 5048.7 of the Education Code is amended to read:

5048.7. The sum of two million dollars ($2,000,000) is hereby made available from the Public School Building Loan Fund for apportionment by the board pursuant to this chapter, except as otherwise provided by this section and shall be transferred by the Controller as needed into a separate account in the State School Building Fund which is hereby created in the State Treasury.

Apportionments made under this section shall be available as grants to those school districts to which apportionments have been made under this chapter prior to April 1, 1952, and only for such amounts thereof as are in excess of the apportionments the voters of such districts voted to accept and repay under Sections 5050, 5050.1, and 5050.2.

If and when the electors of districts receiving apportionments under this section, vote to accept and repay additional amounts under Sections 5050, 5050.1 and 5050.2, the board may make apportionments under other sections of this chapter in substitution in whole or in part of the grants made under this section.

In the event the electors of the district fail to vote to accept and repay such additional amounts or if apportionments covering such amounts are not made under other sections of this chapter, beginning in September, 1953, and annually for nine years thereafter, apportionments made to such districts from the State School Fund under Chapter 15 of this division, or any successor thereof, shall be reduced by an amount equivalent to one-tenth of the amount apportioned under this section. This section shall not be applied so as to reduce any average daily attendance apportionment below the constitutional minimum. During the year beginning September, 1953, and each year thereafter in which the Controller determines that the apportionment of any district is to be reduced as herein provided, he shall deduct the total amount of the annual repayment of each district in equal amounts from each installment of the apportionments made to such district; and the amount so deducted shall, on order of the Controller, be transferred from the State School Building Fund to the General Fund at the time and for the purpose provided in Section 5103.

Notwithstanding any other provision of law, taxes in such districts shall be increased sufficiently to offset the amounts by which such average daily attendance apportionments are re-

duced under this section. Such tax increases shall be made in the manner prescribed under Section 5063 of this chapter.

Any amounts made available by this section which are not apportioned by June 30, 1953, and any recovery by substitution of apportionments made in accordance with this section shall be transferred to the Public School Building Loan Fund.

CHAPTER 1784

An act to amend Sections 73341, 73342, 73343, 73480.1, 73481, 73482, 73483, 74601, 74602, 74603 of, and to add Sections 73343.1, 73483.1, and 74603.1 to, the Government Code, relating to municipal courts.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 73341 of the Government Code is amended to read:

73341. There shall be one judge who shall receive a salary the same as the salary provided in Section 73911 for the judges of the municipal court established in a district embracing the City of Oakland. Judge

SEC. 1.5. Section 73342 of said code is amended to read:

73342. There shall be one clerk who shall receive a minimum salary of four hundred eighty-four dollars ($484) monthly, with semiannual increments of twenty-five dollars ($25) and twenty-seven dollars ($27) and annual increments thereafter of twenty-nine dollars ($29) and thirty dollars ($30) to a maximum of five hundred ninety-five dollars ($595) monthly. Clerk

SEC. 2. Section 73343 of said code is amended to read:

73343. The clerk may appoint: Clerk may appoint

(a) One deputy clerk grade IV who shall receive a minimum salary of three hundred seventy-five dollars ($375) monthly, with semiannual increments of nineteen dollars ($19) and twenty dollars ($20), and annual increments thereafter of twenty-two dollars ($22) and twenty-three dollars ($23) to a maximum of four hundred fifty-nine dollars ($459) monthly. Deputy clerk grade IV

(b) One deputy clerk grade III who shall receive a minimum salary of three hundred thirty-nine dollars ($339) monthly, with semiannual increments of seventeen dollars ($17) and nineteen dollars ($19) and annual increments thereafter of nineteen dollars ($19) and twenty dollars ($20) to a maximum of four hundred fourteen dollars ($414) monthly. Deputy clerk grade III

(c) Three deputy clerks grade II each of whom shall receive a minimum salary of two hundred ninety-one dollars ($291) monthly, with semiannual increments of fifteen dollars ($15) and seventeen dollars ($17), and annual increments thereafter Deputy clerks grade II

of sixteen dollars ($16) and seventeen dollars ($17), to a maximum of three hundred fifty-six dollars ($356) monthly.

Deputy clerk grade I

(d) One deputy clerk grade I who shall receive a minimum salary of two hundred fifty dollars ($250) monthly, with semiannual increments of fourteen dollars ($14) and twelve dollars ($12), and annual increments thereafter of fifteen dollars ($15) and fifteen dollars ($15), to a maximum of three hundred six dollars ($306) monthly.

SEC. 3. Section 73480.1 of said code is amended to read:

Credit for prior service

73480.1. Persons who succeed to positions in the municipal court upon its establishment shall receive credit for continuous prior service in superseded courts and in the sheriff's department or constabulary of the county, and, in addition to the minimum rate, such persons shall receive the annual increments commensurate with such years of prior service up to the maximum rate set but in no event shall any such person receive less than received by him in the superseded courts. All persons holding positions as deputy clerks immediately prior to the effective date of the amendment of Section 73483 as enacted during the 1955 Regular Session of the Legislature shall be assigned by the clerk to positions created by such an amendment without examination with the consent of the civil service commission.

SEC. 3.5. Section 73481 of said code is amended to read:

Judges

73481. There shall be two judges, each of whom shall receive a salary the same as the salary provided in Section 73911 for the judges of the municipal court established in a district embracing the City of Oakland.

SEC. 4. Section 73482 of said code is amended to read:

Clerk

73482. There shall be one clerk who shall receive a minimum salary of five hundred thirty-six dollars ($536) monthly, with semiannual increments of thirty dollars ($30) and thirty dollars ($30), and annual increments thereafter of thirty-one dollars ($31) and thirty-three dollars ($33), to a maximum of six hundred sixty dollars ($660) monthly.

SEC. 5. Section 73483 of said code is amended to read:

Clerk may appoint:

73483. The clerk may appoint:

Chief deputy clerk grade V

(a) One chief deputy clerk grade V who shall receive a minimum salary of four hundred thirty-six dollars ($436) monthly with semiannual increments of twenty-three dollars ($23) and twenty-five dollars ($25) and annual increments thereafter of twenty-five dollars ($25) and twenty-seven dollars ($27) to a maximum of five hundred thirty-six dollars ($536) monthly.

Deputy clerk grade IV

(b) One deputy clerk grade IV who shall receive a minimum salary of three hundred seventy-five dollars ($375) monthly, with semiannual increments of nineteen dollars ($19) and twenty dollars ($20), and annual increments thereafter of twenty-two dollars ($22) and twenty-three dollars ($23), to a maximum of four hundred fifty-nine dollars ($459) monthly.

Deputy clerks grade III

(c) Five deputy clerks grade III each of whom shall receive a minimum salary of three hundred thirty-nine dollars ($339) monthly, with semiannual increments of seventeen dollars

($17) and nineteen dollars ($19) and annual increments thereafter of nineteen dollars ($19) and twenty dollars ($20) to a maximum of four hundred fourteen dollars ($414) monthly.

(d) Four deputy clerks grade II each of whom shall receive a minimum salary of two hundred ninety-one dollars ($291) monthly, with semiannual increments of fifteen dollars ($15) and seventeen dollars ($17), and annual increments thereafter of sixteen dollars ($16) and seventeen dollars ($17), to a maximum of three hundred fifty-six dollars ($356) monthly. Deputy clerks grade II

(e) One deputy clerk grade I who shall receive a minimum salary of two hundred fifty dollars ($250) monthly, with semiannual increments of fourteen dollars ($14) and twelve dollars ($12), and annual increments thereafter of fifteen dollars ($15) and fifteen dollars ($15), to a maximum of three hundred six dollars ($306) monthly. Deputy clerk grade I

SEC. 5.5. Section 74601 of said code is amended to read:

74601. There shall be two judges, each of whom shall receive a salary the same as the salary provided in Section 73911 for the judges of the municipal court established in a district embracing the City of Oakland. Judges

SEC. 6. Section 74602 of said code is amended to read:

74602. There shall be one clerk who shall receive a minimum salary of five hundred thirty-six dollars ($536) monthly, with semiannual increments of thirty dollars ($30) and thirty dollars ($30), and annual increments thereafter of thirty-one dollars ($31) and thirty-three dollars ($33), to a maximum of six hundred sixty dollars ($660) monthly. Clerk

SEC. 7. Section 74603 of said code is amended to read:

74603. The clerk may appoint: Clerk may appoint

(a) One chief deputy clerk grade V who shall receive a minimum salary of four hundred thirty-six dollars ($436) monthly with semiannual increments of twenty-three dollars ($23) and twenty-five dollars ($25) and annual increments thereafter of twenty-five dollars ($25) and twenty-seven dollars ($27) to a maximum of five hundred thirty-six dollars ($536) monthly. Chief deputy clerk grade V

(b) One deputy clerk grade IV who shall receive a minimum salary of three hundred seventy-five dollars ($375) monthly, with semiannual increments of nineteen dollars ($19) and twenty dollars ($20), and annual increments thereafter of twenty-two dollars ($22) and twenty-three dollars ($23), to a maximum of four hundred fifty-nine dollars ($459) monthly. Deputy clerk grade IV

(c) Three deputy clerks grade III each of whom shall receive a minimum salary of three hundred thirty-nine dollars ($339) monthly, with semiannual increments of seventeen dollars ($17) and nineteen dollars ($19) and annual increments thereafter of nineteen dollars ($19) and twenty dollars ($20) to a maximum of four hundred fourteen dollars ($414) monthly. Deputy clerks grade III

(d) Seven deputy clerks grade II each of whom shall receive a minimum salary of two hundred ninety-one dollars ($291) Deputy clerks grade II

monthly, with semiannual increments of fifteen dollars ($15) and seventeen dollars ($17), and annual increments thereafter of sixteen dollars ($16) and seventeen dollars ($17), to a maximum of three hundred fifty-six dollars ($356) monthly.

Deputy clerk grade I

(e) One deputy clerk grade I, who shall receive a minimum salary of two hundred fifty dollars ($250) monthly, with semiannual increments of fourteen dollars ($14) and twelve dollars ($12) and annual increments thereafter of fifteen dollars ($15) and fifteen dollars ($15) to a maximum of three hundred six dollars ($306) monthly.

SEC. 8. Section 73343.1 is added to said code, to read:

Assignment without examination

73343.1. All persons holding positions as deputy clerks immediately prior to the effective date of the amendment of Section 73343 as enacted during the 1955 Regular Session of the Legislature shall be assigned by the clerk to positions created by such amendment without examination with the approval of the civil service commission.

SEC. 9. Section 73483.1 is added to said code, to read:

Increments

73483.1. The clerk and each deputy clerk in addition to the minimum salary for his position shall receive the increments to which his length of service in this and superseded courts entitles him. In no event shall the clerk or any deputy clerk receive less salary than he received immediately prior to the ninety-first day after final adjournment of the 1955 Regular Session of the Legislature.

SEC. 10. Section 74603.1 is added to said code, to read:

Assignment without examination

74603.1. All persons holding positions as deputy clerks immediately prior to the effective date of the amendment of Section 74603 as enacted during the 1955 Regular Session of the Legislature shall be assigned by the clerk to positions created by such amendment without examination.

CHAPTER 1785

An act to add Section 2002.5 to the Government Code, relating to suits against state employees.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 2002.5 is hereby added to the Government Code, to read:

2002.5. Whenever a suit is filed against an employee or officer of the State of California licensed in one of the healing arts under Division 2 of the Business and Professions Code, for malpractice alleged to have arisen out of the performance of his duties as a state employee, the Attorney General upon

the request of such employee shall defend said suit on behalf of such employee. If there is a settlement or judgment in the suit the State shall pay the same; provided, that no settlement shall be effected without the consent of the officer or employee. The settlement of such claims or judgments shall be limited to those arising from acts of such officers and employees of the State in the performance of their duties on the grounds of state institutions or facilities or by reason of emergency aid given to inmates, state officials, employees, and to members of the public for accidents occurring on such grounds.

CHAPTER 1786

An act to amend Section 6363, Business and Professions Code, relating to retirement of officers and employees of law libraries.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 6363 of the Business and Professions Code is amended to read:

6363. Whenever a law library, and a board of trustees to govern the same, is in existence under the provisions of any law, other than the law superseded by this chapter, in any county, or city and county, in this State, this chapter shall not be considered a repeal of any legislation under which such library was established and is now governed, but shall be deemed to confer upon such library the benefits of Sections 6321, 6322, 6322.1, 6326, 6341, 6345, 6346, 6346.5, and 6347.

CHAPTER 1787

An act to amend Sections 18020 and 18021 of, and to add Section 18021.5 to, the Government Code, relating to overtime in the state service.

[Approved by Governor July 7, 1955 Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 18020 of the Government Code is amended to read:

18020. It is the policy of the State that the workweek of the state employee shall be 40 hours, except that workweeks of a different number of hours may be established in order to

meet the varying needs of the different state agencies. It is the policy of the State to avoid the necessity for overtime work whenever possible. This policy does not restrict the extension of regular working hour schedules on an overtime basis in those activities and agencies where such is necessary to carry on the state business properly during a manpower shortage.

SEC. 2. Section 18021 of the Government Code is amended to read:

18021. For each class or position for which the State Personnel Board establishes a monthly or annual salary, the board shall establish and adjust workweek groups and shall assign each class or position to a workweek group. The State Personnel Board, after considering the needs of the state service and prevailing overtime compensation practices, may establish workweek groups of different lengths or of the same length but requiring different methods of recognizing or providing compensation for overtime.

SEC. 3. Section 18021.5 of the Government Code is added, to read:

18021.5. The State Personnel Board shall provide the extent to which, and establish the method by which, ordered overtime or overtime in times of critical emergency is compensated. The board may provide for cash compensation at a rate equal to or less than the regular rate of pay, and the rate may vary within a class depending upon the conditions of work, or the board may provide for compensating time off. The provisions made under this section shall be based on the practices of private industry and other public employment, the needs of state service, and internal relationships.

CHAPTER 1788

An act to amend Section 50705 of the Water Code, relating to reclamation districts.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 50705 of the Water Code is amended to read:

50705. The polls shall be kept open from 10 a.m. of the day of election until 4 p.m. Where the real property in the district is assessed to 500 or more different individual, joint, or corporate owners, the board may elect to keep the polls open from 7 a.m. of the day of election until 7 p.m. and in such event shall include such time of polling in the notice as provided in Section 50732.

CHAPTER 1789

An act to add Section 556 to the Streets and Highways Code, relating to state highways.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 556 is added to the Streets and Highways Code, to read:

556. Route 236 is from a point northwest of the City of Santa Barbara on Route 2 to the campus of the University of California at Santa Barbara, Goleta Campus.

The commission shall allocate from the State Highway Fund the necessary funds for the construction of said route. The allocation of money provided for in this section shall be made out of moneys contained in the State Highway Fund available for construction of state highways in County Group No. 2, but which is not subject to Section 188.4; and expenditures from such allocation shall be credited against the expenditures required to be made pursuant to Section 188.4 in Santa Barbara County until June 30, 1963

This route shall be a memorial to the late Senator Clarence C. Ward of Santa Barbara County and shall hereafter be known as Clarence Ward Memorial Boulevard.

CHAPTER 1790

An act to amend Sections 2421.5 and 9485 of the Education Code, relating to school districts.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 2421.5 of the Education Code is amended to read:

2421.5. (a) Territory annexed to a city which is not contiguous to a school district within the city shall not become a part of any school district within such city pursuant to Section 2421.

Territory annexed to city Not contiguous to school district

(b) Territory annexed to a city which is part of a unified school district shall not become a part of any school district within the city pursuant to Section 2421 unless prior to the annexation, the governing boards of the affected districts agree in writing that the territory shall become part of the city school district. In order for the agreement to be effective, a certified copy thereof shall be filed with the city council prior to the adoption of the resolution specified in Section 35117 or

Part of unified school district

Section 35306 of the Government Code, and such resolution shall contain a statement that the annexed territory shall become part of the city school district.

Contiguous to city school district

(c) Territory annexed to a city which is contiguous to a city school district within such city, except as otherwise provided in subdivision (b) of this section, shall not become part of any elementary, high school, junior college, or any other school district within said city as provided in Section 2421 unless proceedings are had and completed for the annexation or inclusion of such territory to the school district in the manner provided elsewhere in this code, or unless the resolution required by Section 35117 of the Government Code in the case of proceedings for the annexation of inhabited territory, or the resolution required by Section 35306 of the Government Code in proceedings for the annexation of uninhabited territory contains a statement that the annexed territory shall become part of the school district of the city.

Application of subdivisions

The provisions of subdivision (a), (b), or (c) of this section, as the case may be, apply to territory proposed to be annexed to a city in which territory is situated any school district or part of any school district.

The provisions of subdivision (a), (b), or (c) of this section, as the case may be, apply to any proceedings to annex territory to a city which have not been completed on or before the effective date of the amendment of this section at the 1955 Regular Session of the Legislature, except proceedings in which the resolution provided for in Section 35117 of the Government Code has been adopted, or in which the city legislative body or the board of supervisors has approved the annexation by ordinance, or resolution, as the case may be, for other city annexation proceedings.

The provisions of subdivision (a), (b), or (c) of this section, as the case may be, shall not apply to sixth-class cities or to cities which have provided in their original charter that they shall not constitute a separate school district.

SEC. 2. Section 9485 of the Education Code is amended to read:

Transfer or sale of property of emergency school

9485. The county superintendent of schools may transfer or sell the real and personal property of any emergency school maintained by him to any elementary school district under his jurisdiction, or to any other political subdivision of the State within which the school is located, upon such terms and conditions as are agreed upon by the county superintendent of schools and the governing board or authority of the district or other political subdivision. Districts and other political subdivisions may enter into such agreements and acquire such property. If such property is no longer needed for school purposes, and any political subdivision mentioned in this section does not acquire such property, the county superintendent may sell such property and in order to do so shall advertise his intention to sell the property to the highest bidder, public or private, by publication of notice of such intention in a news-

paper of general circulation published in the county for not less than once each week for two consecutive weeks, after which the superintendent shall sell the property to the highest bidder at the time and place and upon the terms specified in the notice of intention. The county superintendent may fix a minimum price to be received for such property, which minimum price, if fixed, shall be stated in the notice of intention to sell. Any funds received by the county superintendent of schools under this section shall be paid by him into the county school service fund.

CHAPTER 1791

An act to add Chapter 8 to Title 14 of Part 4 of Division 3 of the Civil Code, Sections 25006.1 and 25102.1 to the Corporations Code, and Sections 10131.1, 10132.1, 10134.1, 10176.1, 10176.2, 10176.3 and 10176.4 to the Business and Professions Code, relating to loans secured by real property and securities in real estate transactions, limiting the costs and expenses, charges and interest in connection with such loans, providing penalties for violations thereof.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7 1955

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

SECTION 1. Chapter 8 is added to Title 14 of Part 4 of Division 3 of the Civil Code, to read:

CHAPTER 8. LOANS SECURED BY REAL PROPERTY

Statement of one negotiating loan

3081.1. Every person, other than a lender, who, for compensation payable by a borrower either directly or from the proceeds of a loan, negotiates a loan to be secured by real property must, before the borrower shall be obligated to complete the loan, deliver to the borrower a statement in writing, containing all the information required by Section 3081.2. Such statement and any other compensation agreement with the borrower shall be executed at the place of business of the person negotiating a loan as specified in his license. It shall be personally signed by the borrower, and by the person negotiating the loan or his authorized representative. The person negotiating the loan, or his authorized representative, in said statement shall certify that the loan is being made in compliance with the provisions of this chapter. When so executed, an exact copy thereof shall be delivered to the borrower at the time of its execution. The person negotiating the loan shall retain on file for a period of three years after the date of such statement a true and correct copy thereof as signed by the borrower.

Contents, etc., of statement

3081.2. The statement required by Section 3081.1, the form of which shall be approved by the State Real Estate Commissioner, shall set forth separately the following items:

(a) The estimated maximum costs and expenses of making the loan, which are to be paid by the borrower, including but not limited to:

(1) Any premium or other charges for insurance, other than fire insurance.

(2) Appraisal fees.

(3) Escrow fees.

(4) Notary and recording fees.

(5) Credit investigation fees.

If such person performs or is to perform any of the services provided for in this section, such person shall enumerate the amount thereof as required by this section and such person shall be entitled to said costs and expenses in addition to the charges provided for in Section 3081.2(b).

(b) The total amount of the charges, which shall include any fees other than those provided in (a) above, bonuses, brokerage, or commissions contracted for or to be received by any person for negotiating, procuring, arranging, or servicing such a loan.

(c) Any liens against the property, as disclosed by the borrower, and the estimated amount thereof.

(d) The estimated balance of the loan funds after deducting the total of items (a) and (b), which is to be paid to persons on his order, and the names and addresses of persons to be so paid, if any, and the balance which is to be delivered to the borrower.

(e) The principal sum of the note.

(f) The rate of interest or the total amount of interest.

(g) The term of the note, the number of installments, and the amount of each installment and the approximate balance, if any, due at maturity.

(h) The terms of prepayment privileges, if any.

(i) The name of the person negotiating the loan, his license number and his licensed place of business.

Maximum costs, etc., to be paid on note

3081.3. The maximum amount of total costs and expenses, charges, and interest to be paid on any note executed under this chapter shall be as follows:

(a) The total amount of all costs and expenses referred to in paragraph (a) of Section 3081.2 which are to be paid by the borrower shall not exceed four percent (4%) of the principal amount of the note or one hundred twenty dollars ($120), whichever is greater, but in no event to exceed two hundred fifty dollars ($250), and not exceeding costs and expenses paid, incurred or earned. If the total amount of the costs and expenses exceeds the estimated amount in the statement furnished to the borrower, the person negotiating the loan shall so inform the borrower in writing and the borrower may withdraw from the transaction, subject, however, to the borrower's obli-

gation for costs and expenses theretofore incurred or paid to persons other than the person negotiating the loan.

(b) The total amount of the charges referred to in paragraph (b) of Section 3081.2 shall not exceed the following amounts:

1. In the case of a loan secured in whole or in part by a first mortgage or first trust deed, five percent (5%) of the principal amount of the note referred to in paragraph (e) of Section 3081.2 where the term of the loan is for a period of less than three (3) years or ten percent (10%) where the said period is for three (3) years or more.

2. In the case of a loan secured in whole or in part by a mortgage or trust deed, other than a first mortgage or first trust deed, five percent (5%) of the principal amount of the note referred to in paragraph (e) of Section 3081.2 where the term of the loan is for a period of less than two (2) years, ten percent (10%) where the term of the loan is for a period of two (2) years but less than three (3) years, and fifteen percent (15%) where the term of the loan is for a period of three (3) years or more.

3. If before the date of maturity of the loan, the borrower obtains an additional sum or advance of money on the note, the allowable charges on such additional sum shall not exceed the charges applicable to a new loan for the remainder of the term of the note or any extension thereof.

(c) No loan secured by real property shall be made which provides for payment of interest in excess of ten percent (10%) per year as provided by Section 22 of Article XX of the California Constitution, and as implemented by the Statutes of 1919, page LXXXIII, known as the "Usury Law."

Liability of borrower for cost, etc

3081.4. If, due to the failure of the borrower to disclose to the person negotiating the loan, as provided by paragraph (c) of Section 3081.2, the outstanding liens upon the real property, the loan is not consummated, the borrower shall be liable for the costs and expenses provided in paragraph (a) of Section 3081.2 which have been paid or incurred and shall be liable for the payment of charges in an amount not to exceed one-half of the charges as provided in paragraph (b) of said section.

Loans which provide for installment payments

3081.5. Any loan, made after the effective date of this act, which provides for installment payments and the maturity date of which is less than three (3) years shall require substantially equal installment payments over the period of the loan, with the final payment not payable until the maturity date thereof; provided, that no installment including the final one shall be greater than twice the amount of the smallest installment.

If any loan made after the effective date of this act, having an original maturity period of less than three (3) years is renewed or refinanced, the total amount of charges to be paid on both the original obligation and the balance of such obligation, as renewed or refinanced, shall not in the aggregate exceed

the amount of charges as provided in Section 3081.3, and if such a loan is renewed or refinanced through the person who negotiated the original loan, the total amount of costs and expenses to be paid on both the original obligation and the renewed or refinanced obligation shall not exceed in the aggregate the amount of costs and expenses authorized in paragraph (a) of said section; excepting that the renewal or refinancing of such a loan made prior to the effective date of this act shall be considered as an original loan for the purpose of this section.

Foreclosure of security

3081.6. If the property which secures a promissory note subject to the provisions of Section 3081.5 is sold at foreclosure and the same is acquired by the lender or the person who negotiated or arranged the loan, and the said property is resold to the borrower, the purchase price shall not exceed the amount due at foreclosure plus accrued interest, together with reasonable costs of foreclosure.

Exceptions

3081.7. This chapter does not apply to the following:

(a) Any person doing business under any law of this State, any other state, or of the United States relating to banks, trust companies, savings and loan associations, industrial loan companies, pension trusts, credit unions, or insurance companies authorized to do business in this State, or to any person acting as an authorized representative, agent or loan correspondent of such institution in the negotiating of any loan made for or sold to such institution.

(b) Any loan guaranteed or insured by an agency of the Federal Government or for which a commitment to so guarantee or insure has been made by such agency.

(c) Any nonprofit cooperative association organized under Chapter 4 of Division 6 of the Agricultural Code, in loaning or advancing money in connection with any activity mentioned therein.

(d) Any corporation, association, syndicate, joint stock company, or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, livestock, poultry, or bee products on a cooperative nonprofit basis in loaning or advancing money to the members thereof or in connection with any such business.

(e) Any corporation securing money or credit from any federal intermediate credit bank organized and existing pursuant to the provisions of an act of Congress entitled the "Agricultural Credits Act of 1923," in loaning or advancing money or credit so secured.

(f) The services of a person licensed to practice law in this State, not actively and principally engaged in the business of negotiating loans secured by real property, when such person renders services in the course of his practice as an attorney at law, and the disbursements of such person, whether paid by the borrower or other person, are not charges or costs and expenses regulated by or subject to the limitations of this chapter; provided, such fees and disbursements shall not be shared,

directly or indirectly, with the person negotiating the loan or the lender.

(g) Any person licensed as a personal property broker when acting under the authority of such license.

Same: 3081.8. The provisions of this chapter do not apply to any bona fide loan secured in whole or in part by a first mortgage or first trust deed, the principal sum of which amounts to more than ten thousand dollars ($10,000) or to any bona fide loan secured in whole or in part by a second mortgage or second trust deed, or any lien junior thereto, the principal sum of which amounts to more than five thousand dollars ($5,000).

Treble damages 3081.9. If any amount in excess of the charges referred to in paragraph (b) of Section 3081.2 and limited by paragraph (b) of Section 3081.3 is charged, contracted for, negotiated, or received, except as the result of an accidental and bona fide error, the borrower may recover in a civil action against the person who shall have taken or received the same, three times the amount of any portion of the entire charge which has been paid, and the borrower shall be entitled to be awarded a reasonable attorney's fee; provided, that any such action shall be brought within two (2) years from the date of such loan or the time when the charge was paid, whichever is the later date.

Misdemeanor 3081.91. Any person, including officers, directors, agents, or employees of partnerships and corporations, who violates or participates in the violation of any provisions of this chapter or the rules and regulations of the Real Estate Commissioner made pursuant to the provisions of this chapter, is guilty of a misdemeanor.

Transaction involving third party, etc 3081.92. The provisions of this chapter pertaining to maximum costs and expenses, charges, and interest, together with the penalties stated in this chapter, shall apply to any transaction involving a third party as a purported lender or any other transaction which is used as a subterfuge or means of avoiding or evading the provisions of this chapter.

Total charges 3081.921. Every person who, for compensation, to be received directly or indirectly, sells, offers to sell, purchases for resale or offers to purchase for resale, or who negotiates, or arranges for the purchase or sale or exchange of a promissory note secured by a lien on real property, may receive only the maximum total charges provided for in Section 3081.3(b).

Operative dates 3081.93 The provisions of this chapter shall take effect on October 1, 1955, and shall remain in effect until the ninety-first day after adjournment of the 1959 Regular Session of the Legislature.

SEC. 2. Section 25006.1 is added to the Corporations Code, to read:

"Broker" 25006.1. "Broker" does not include a broker licensed by the Real Estate Commissioner in selling securities described in Section 25102.1 of this code.

SEC. 3. Section 25102.1 is added to the Corporations Code, to read:

Corporate Securities Law

25102.1. Except as expressly provided in this division, the Corporate Securities Law does not apply to the sale of a promissory note secured by a lien on real property, when sold by a real estate broker licensed by the Real Estate Commissioner, and when such note is not sold to an underwriter or is not one of a series of notes.

SEC. 4. Section 10131.1 is added to the Business and Professions Code, to read:

Real estate broker

10131.1. A real estate broker within the meaning of this part also includes a person who, for a compensation, sells or offers to sell, buys or offers to buy, negotiates the purchase or sale or exchange of a promissory note secured by a lien on real property, unless such note is sold to an underwriter or is one of a series of notes.

SEC. 5. Section 10132.1 is added to the Business and Professions Code, to read:

Real estate salesman

10132.1. A real estate salesman within the meaning of this part includes a natural person who for a compensation is employed by a licensed real estate broker to sell a promissory note secured by a lien on real property, unless such note is sold to an underwriter or is one of a series of notes.

SEC. 6. Section 10134.1 is added to the Business and Professions Code, to read:

One transaction

10134.1. One act, for a compensation, of selling or offering to sell, buying or offering to buy, or negotiating the purchase or sale or exchange of a promissory note secured by a lien on real property, and when such note is not sold to an underwriter or is not one of a series of notes, constitutes the person making such offer, sale, purchase or exchange a real estate broker or real estate salesman within the meaning of this part.

SEC. 7. Section 10176.1 is added to the Business and Professions Code, to read:

Suspension or revocation of license

10176.1. Pursuant to the provisions of Section 10176 of this part, the commissioner may also temporarily suspend or permanently revoke a real estate license at any time where the licensee violates the provisions of Chapter 8, Title 14, Part 4, Division 3 of the Civil Code.

SEC. 8. Section 10176.2 is added to the Business and Professions Code, to read:

Regulations

10176.2. The commissioner is authorized to adopt and enforce regulations applicable to licensees for the purpose of enforcing the provisions and purposes of Chapter 8, Title 14, Part 4, Division 3 of the Civil Code.

SEC. 9. Section 10176.3 is added to the Business and Professions Code, to read:

Real estate broker's license

10176.3. Notwithstanding any other provision of law, any person who, on the effective date of this act and for three (3) months prior thereto held an unrevoked and unsuspended license as a securities broker under the provisions of the Corporations Code and was engaged in the business of buying,

selling or exchanging promissory notes secured by liens on real property, shall, upon application made not later than 60 days after such effective date and payment of the appropriate fees to the Real Estate Commissioner on such form as said commissioner may prescribe, be issued an original real estate broker's license. Such original real estate broker's license shall be renewable for a period of two consecutive years before the holder thereof shall be required to take and pass the qualifying examination for an original real estate broker's license.

SEC. 10. Section 10176.4 is added to said code, to read:

Real estate salesman's license

10176.4. Notwithstanding any other provision of law, any person who, on the effective date of this act and for three (3) months prior thereto held an unrevoked and unsuspended license as a securities agent under the provisions of the Corporations Code and was employed to buy, sell or exchange promissory notes secured by liens on real property, shall, upon application made not later than 60 days after such effective date and payment of the appropriate fees to the Real Estate Commissioner on such form as said commissioner may prescribe, be issued an original real estate salesman's license. Such original real estate salesman's license shall be renewable for a period of two consecutive years before the holder thereof shall be required to take and pass the qualifying examination for an original real estate salesman's license.

Severability

SEC. 11. If any provision of this act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this act, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Legislative finding

SEC. 12. The Legislature finds the necessity for the enactment of the legislation contained in this act to be as follows: In many parts of the State, citizens of small means who are in need of borrowing money through loans secured by liens on real estate, especially, but not entirely, on deeds of trust, representing equities on their home property, are being required and induced to pay exorbitant and excessive fees and charges to persons negotiating said loans in the form of brokerage commissions and costs and expenses in great disproportion to the amount of money actually received. Such brokerage and charges are secured through the writing of loans for periods of one and two years, with final payments beyond the ability of the borrower to pay. This large final payment requires the borrower to renew or refinance the loan and thereby to pay another brokerage fee, and to incur additional costs and expenses. The total amount of the charges, costs and expenses, and interest become in the aggregate so high that such necessitous persons are faced with the loss of their security, or are finding themselves continuing in debt far beyond the normal amortization period of the loan. There is also evidence that the charges and costs and expenses are indirect means by which money-lenders may secure rates of interest beyond those authorized. Inasmuch as this legislation will require a change in

the business methods of those persons affected thereby, it is desirable that the legislation become effective on the first day of a calendar month. Inasmuch as the restrictions imposed by this legislation involve a new field of lending practices it is desirable that the legislation be in effect for a stated term in order that the Legislature may review the problems involved more thoroughly before determining the provisions of permanent legislation.

It is also desirable to make clear what transactions involving the public offering of promissory notes secured by liens on real estate are within the jurisdiction of the Real Estate Commissioner.

CHAPTER 1792

An act to amend Section 5010 of, and to add Sections 5011, 25006.1 and 25102.1 to the Corporations Code and Sections 10131.1, 10132.1, and 10134.1 to the Business and Professions Code, relating to the regulation of business activities, including the disposition of unclaimed property of dissolved corporations, and including securities in real estate transactions, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 7, 1955 Filed with Secretary of State July 8, 1955]

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

SECTION 1. Section 25006.1 is added to the Corporations Code, to read:

"Broker"

25006.1. "Broker" does not include a broker licensed by the Real Estate Commissioner in selling securities described in Section 25102.1 of this code.

SEC. 2. Section 25102.1 is added to the Corporations Code, to read:

Applicability

25102.1. Except as expressly provided in this division, the Corporate Securities Law does not apply to the sale of a promissory note secured by a lien on real property, when sold by a real estate broker licensed by the Real Estate Commissioner, and when such note is not sold to an underwriter or is not one of a series of notes.

SEC. 3. Section 10131.1 is added to the Business and Professions Code, to read:

Real estate broker

10131.1. A real estate broker within the meaning of this part also includes a person who, for a compensation, sells or offers to sell, buys or offers to buy, negotiates the purchase or sale or exchange of a promissory note secured by a lien on real property, unless such note is sold to an underwriter or is one of a series of notes. Notwithstanding any other provisions of law, any person who, on the effective date of this act and for three (3) months prior thereto held an unrevoked and un-

suspended license as a securities broker under the provisions of the Corporations Code and was engaged in the business of buying, selling or exchanging promissory notes secured by liens on real property, shall, upon application made not later than 60 days after such effective date and payment of the appropriate fees to the Real Estate Commissioner on such form as said commissioner may prescribe, be issued an original real estate broker's license. Such original real estate broker's license shall be renewable for a period of two consecutive years before the holder thereof shall be required to take and pass the qualifying examination for an original real estate broker's license.

SEC. 4. A new Section 10132.1 is added to the Business and Professions Code, to read:

Real estate salesman

10132.1. A real estate salesman within the meaning of this part includes a natural person who for a compensation is employed by a licensed real estate broker to sell a promissory note secured by a lien on real property, unless such note is sold to an underwriter or is one of a series of notes. Notwithstanding any other provision of law, any person who, on the effective date of this act and for three (3) months prior thereto held an unrevoked and unsuspended license as a securities agent under the provisions of the Corporations Code and was employed to buy, sell or exchange promissory notes secured by liens on real property, shall, upon application made not later than 60 days after such effective date and payment of the appropriate fees to the Real Estate Commissioner on such form as said commissioner may prescribe, be issued an original real estate salesman's license. Such original real estate salesman's license shall be renewable for a period of two consecutive years before the holder thereof shall be required to take and pass the qualifying examination for an original real estate salesman's license.

SEC. 5. Section 10134 1 is added to the Business and Professions Code, to read:

One transaction

10134.1. One act, for a compensation, of selling or offering to sell, buying or offering to buy, or negotiating the purchase or sale or exchange of a promissory note secured by a lien on real property, and when such note is not sold to an underwriter or is not one of a series of notes, constitutes the person making such offer, sale, purchase or exchange a real estate broker or real estate salesman within the meaning of this part.

SEC. 6 Section 5010 of the Corporations Code is amended to read:

Corporation in process of dissolution, etc

5010. If there is any unclaimed deposit or dividend payable, or any debt owed, by a corporation in process of winding up or dissolution, to any person whose whereabouts is unknown to the directors, trustees, or other persons conducting the winding up, they may deposit the amount due such person with the State Treasurer or with some bank or trust company in this

State, at interest, if possible, if the deposit is made in a bank or trust company, for the benefit of those who appear and establish their claim thereto within three years from the time of deposit. The deposit shall be accompanied with a statement of the name of the person entitled to the deposit, dividend, or debt, the time when the deposit was made, the dividend declared, or the debt created, and any information possessed as to the residence of the person entitled to the deposit, dividend, or debt.

SEC. 7. Section 5011 is added to said code, to read:

Distribution of unclaimed property

5011. If no claimants have made satisfactory proof of title within three years from the time of deposit pursuant to Section 5009 or 5010, the property so unclaimed shall be distributed pro rata among those others who were shareholders at the time of distribution and their successors. Such unclaimed property may be distributed at any time among the known and existing shareholders if suitable bond or security is given to the depositary for the payment of any claimants who appear and establish their claims against the corporation within three years from the time of deposit.

Urgency

SEC. 8. 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 therefore go into effect immediately. The facts constituting such necessity are:

A recent opinion of the Attorney General (No. 54/82) holds that promissory notes referred to in Section 25102 of the Corporations Code are securities within the meaning of the Corporate Securities Law and if offered to the public are not exempt from the law. The person making such an offer to the public is held in the opinion to be a security broker. This has been neither the practice nor the understanding of persons engaged either in the securities or the real estate business. Transactions in such promissory notes relating to real estate always have been conducted by real estate brokers, and not by security brokers. It is the practice of the public having such promissory notes to buy or sell to go to real estate brokers. As a result of the opinion of the Attorney General a divided authority exists as between the Division of Real Estate and the Department of Corporations and a cloud is placed upon the enforcement of the law. If established practices are in violation of law as interpreted by the Attorney General, then it will be necessary for the State to require dual licensing of many thousands of real estate licensees. Not to immediately alter the law as above proposed would impose a great hardship on the public, the real estate brokers and the departments involved.

CHAPTER 1793

An act to amend Sections 200 and 202 of the Welfare and Institutions Code, relating to county medical and hospital services.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 200 of the Welfare and Institutions Code is amended to read:

Care, etc., of indigent sick, etc

200. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors in each county may provide for the care and maintenance of the indigent sick or dependent poor of the county, and may provide medical and dental care and health services and supplies to persons in need thereof who are unable to provide the same for themselves, and for these purposes may levy the necessary taxes. Each county may, insofar as it is able to do so, provide the means to meet promptly and adequately the health needs of the indigent sick, the aged, and the poor, for the better prevention of serious illness and incapacity, to the end that such persons will not become public charges at the greater expense of those resources set aside for the public health and welfare.

SEC. 2. Section 202 of said code is amended to read:

Contract for care, etc

202. (a) The board shall not let the care, maintenance or attendance of the indigent sick or dependent poor by contract to any person. However, in cases:

(1) Of unusual difficulty, or

(2) Which require treatment, or hospital services, or the use of facilities not immediately available in the county hospital, or

(3) Of emergency and for continued treatment after the emergency has ceased to exist,

the board may secure for the indigent sick, and other persons admissible to the county hospital, at an agreed rate, hospital service or any portion thereof from any public or private hospital, clinic, rest home, sanitarium, or other suitable facility or from any corporation formed under Section 9201 of the Corporations Code or under Chapter 11A of Part 2, Division 2, of the Insurance Code, and operating in the State.

"Hospital service"

(b) As used in this section, "hospital service" includes medical, surgical, radiological, laboratory, nursing service, convalescent care, and the furnishing of the necessary professional personnel, equipment, and facilities to manage the needs of patients on a continuing basis in accordance with accepted medical standards, with a staff of professional nursing personnel who are assigned and available under a clear and definite responsibility to the institution rendering the service for the provision of services to the patients, and such other

care, service or supplies as may be necessary for the treatment of the sick or injured.

Licensed boarding homes

(c) The county may also contract with licensed boarding homes for 24-hour care for dependent children under the age of 21 years, when suitable facilities are not otherwise available in any institution or establishment maintained and operated by the county.

Physicians, etc.

(d) The county may also contract for medical treatment of persons admissible to the county hospital with any licensed physician and surgeon, or a corporation operating under Section 9201 of the Corporations Code.

CHAPTER 1794

An act to amend Sections 7681, 7682 and 7683 of the Labor Code, relating to tanks and boilers.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 7681 of the Labor Code is amended to read:

7681. The division shall inspect or cause to be inspected each installed tank at least every three years.

SEC. 2. Section 7682 of said code is amended to read:

7682. The division shall inspect or cause to be inspected each installed boiler internally and externally at least every year.

SEC. 3. Section 7683 of said code is amended to read:

7683. If a tank or boiler is found to be in a safe condition for operation, a permit shall be issued by the division for its operation.

In the case of a tank, the permit shall continue in effect for not longer than three years.

In the case of a boiler, the permit shall continue in effect for not longer than one year.

CHAPTER 1795

An act to amend Sections 80, 851, 860, 865, 880, and 903, and to repeal Sections 79 and 81 of the Fish and Game Code, relating to fish and game.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 79 of the Fish and Game Code is repealed.

SEC. 2. Section 80 of said code is amended to read:

80. District 12B. The following shall constitute Fish and Game District 12B: The waters and tidelands to high-water mark of the Carquinez Straits not included within District 12; the waters and tidelands to high-water mark of Suisun Bay and the Sacramento River, excluding that portion commonly known as Grizzly Bay lying northeasterly of a line between the southwest point of Grizzly Island and the west end of Pelican Point, and also excluding that portion commonly known as Honker Bay lying north of a line between Dutton Landing on Dutton Island and the north end of Chipps Island, and also excluding all waters upstream from a line between Simmons Point and Stake Point. District 12B

SEC. 3. Section 81 of said code is repealed. Repeal

SEC. 4. Section 851 of said code is amended to read:

851. In the waters of any district lying upstream from a line drawn between Antioch Point and the westerly tip of Kimball Island and from a line drawn from Point Sacramento across the stream and touching the most easterly point on Montezuma Island no gill net, trammel net, or fyke net may be possessed on any boat Gill net, trammel net, or fyke net

SEC. 5. Section 860 of said code is amended to read:

860. In District 12B, salmon may be taken with nets allowed to be used in said district, as follows: Salmon

(a) Between November 15th and June 15th.

(b) Between August 10th and sunrise on September 26th.

SEC. 6. Section 865 of said code is amended to read:

865. In District 12B, shad may be taken with nets allowed to be used in said district, between April 5th and May 31st. Such nets may not be used between sunrise Saturday and sunset of the following Sunday. Shad

SEC. 7. Section 880 of said code is amended to read:

880. In District 12B, drift gill nets may be used, subject to the restrictions contained in this chapter, and the following restrictions: Drift gill nets

(a) The cork line must not be submerged more than two fathoms below the surface of the water, the lines attaching the buoys or floats to the cork line must not be more than two fathoms in length, and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The meshes of any gill net must be at least seven and one-half inches in length, except that between April 5th and May 31st the meshes of such nets may be not less than five and one-half inches in length.

SEC. 8. Section 903 of said code is amended to read:

903. In District 12B, drift trammel nets may be used subject to the provisions of this chapter, and the following restrictions: Drift trammel nets

(a) The cork lines must not be submerged more than two fathoms below the surface of the water; the lines attaching the buoys or floats to the cork line must not be more than two

fathoms in length; and the points of attachment of said lines on the cork line must not be more than 10 fathoms apart.

(b) The meshes of any trammel net must be at least seven and one-half inches in length except that between April 5th and May 31st the meshes of such nets may be not less than five and one-half inches in length.

CHAPTER 1796

An act to add Article 6 to Chapter 2 of Division 5 of the Public Resources Code, to provide for the formation of districts within municipalities for the acquisition or construction of public park improvements or works and for the issuance, sale and payment of bonds of such districts to meet the cost of the improvements or acquisitions.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Article 6 is added to Chapter 2 of Division 5 of the Public Resources Code, to read:

Article 6. Municipal Park Improvement District Bonds

Municipal park improvement district

5350. Any portion of a municipality incorporated under the laws of this State may be formed into a municipal park improvement district for the purpose of creating an indebtedness, to be represented by bonds of the district, the proceeds from the sale of which shall be used for the acquisition or construction of any public park improvement or work which such municipality is authorized by law to acquire or construct, pursuant to this article.

"Work" or "improvement"

"Work" or "improvement" whether used singly or in combination mean and include any work or improvement for public park or recreation purposes together with the acquisition of property necessary and convenient therefor, as well as the construction, reconstruction and repair of all or any part of such work or improvement.

Petition

5351. Whenever a petition, verified by one or more persons and signed by not less than 10 percent of the qualified electors residing in the territory which is proposed to be formed into a municipal park improvement district, setting forth a general description of the improvement or work to be acquired or constructed and a general description of the exterior boundaries of such proposed district, shall have been filed in the office of the clerk of the legislative body of the city, and the genuineness of the signatures shall have been certified to by the city clerk, the legislative body may adopt an ordinance declaring its intention to call an election in the proposed district for the

purpose of submitting to the qualified electors of the district the proposition of authorizing the issuance and sale of bonds of the district in the manner and for the purpose set forth in the ordinance of intention. The legislative body shall have power to change or modify the boundaries of the district and the nature, character or extent of the proposed public improvement or work.

Ordinance

5352. The ordinance of intention shall contain:

(a) An accurate description of the exterior boundaries of the proposed municipal park district;

(b) A general description of the improvement or work proposed to be acquired or constructed;

(c) An estimate of the cost of the proposed improvement or work, and an estimate of the incidental expense in connection therewith;

(d) A statement declaring the intention to call an election to be held in the district for the purpose of submitting to the qualified voters in the district the proposition of incurring indebtedness by the issuance of bonds of the district to pay the cost and expenses of the proposed improvement or work, and stating that a map showing the exterior boundaries of the district with relation to the territory immediately contiguous thereto, and a general description of the proposed improvement are on file in the office of the clerk of the legislative body of the city; which map shall govern for all details as to the extent of the district;

(e) A statement of the date, hour and place fixed for the hearing of protests.

Publication

5353. The ordinance of intention shall be published once a day for at least six days in some newspaper of general circulation published at least six days a week in the city involved, or once a week for two weeks in some newspaper published less than six days per week in the city. The ordinance, unless otherwise provided by charter of the municipality, shall take effect upon the completion of said publication. In municipalities where no newspaper is published the ordinance shall be posted in three public places, and in case of posting notice the ordinance shall take effect two weeks after date of such posting of notice.

Protest

5354. Any person interested, objecting to the formation of the district, or to the extent of the district, or to the proposed improvement or work, may file a written protest, setting forth such objection, with the clerk of the legislative body at or before the time set for the hearing of the petition. The clerk of the legislative body shall endorse on each protest the date of its reception by him, and, at the time appointed for the hearing above provided for, shall present to the board all protests filed with him. The legislative body shall hear the protests at the time appointed or at any time to which the hearing may be adjourned, and pass upon the same, and its decision thereon shall be final and conclusive.

5355. If the protest is against the proposed work or improvement and the legislative body finds that the protest is made by the owners of more than one-half of the area of the property to be taxed for the work or improvement, and protests are not withdrawn so as to reduce the same to less than a majority, no further proceedings shall be taken for a period of one year from the date of the decision of the legislative body on the hearing.

Changes in boundaries, etc

5356. If any protests are against the extent of the district, or against the inclusion of property in the district, then the legislative body shall have power to 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 such boundaries shall not include any territory which will not be benefited by the improvement or work. The legislative body shall not modify the boundaries except after notice of its intention given in the same manner as publication of the ordinance of intention to call the bond election, describing the proposed modification, and specifying a time for hearing objections to such modification, which time shall be at least 10 days after the publication of the notice, and the objections shall be heard and determined as are objections to the proposed improvement or work.

Election

5357. If the legislative body has denied all protests, it may call an election to be held within the district described in the ordinance or resolution calling the election, which description shall conform with any changes in boundaries that may have been made under Section 5356, and provide for the submission of the proposition of incurring a debt by the issuance of bonds of the district for the purposes set forth in the ordinance of intention. The ordinance or resolution calling such election, shall also recite the objects and purposes for which the proposed indebtedness is to be incurred, the nature of the improvement or work, the estimated cost, the estimated cost of the incidental expense, the amount of the principal of the indebtedness to be incurred and the rate of interest to be paid on such indebtedness; provided, however, that in its discretion the legislative body may recite in the ordinance or resolution a maximum rate of interest to be paid on such indebtedness not to exceed 7 per centum per annum, which rate when so recited shall not be exceeded in the issuance of bonds for such indebtedness; and said ordinance or resolution shall fix the date on which the election shall be held, the manner of holding the election and the manner of voting for or against the proposition.

Polling places, etc

5358. For the purposes of the bond election the legislative body shall establish in the ordinance, or resolution, one or more precincts within the boundaries of the district, designate a polling place and appoint one inspector, one judge and one clerk for each precinct. In all particulars not recited in such ordinance, or resolution, the election shall be held as provided by law for the holding of general municipal elections in such

city. The ordinance, or resolution, ordering the holding of the election shall be published in the same manner as was the ordinance of intention.

Authority to issue bonds

5359. If at such election two-thirds of all the voters voting, vote in favor of incurring the bonded indebtedness, then the legislative body shall thereupon be authorized and empowered to issue the bonds of the district for the amount provided for in the ordinance or resolution calling the election.

Form and interest

5360. The legislative body shall, subject to the provisions of this article, prescribe the form of the bonds, and of the interest coupons.

Manner of payment

5361. The bonds shall be payable in the following manner: a part, to be determined by the legislative body, and which shall not be less than one-fortieth part of the whole amount of such indebtedness, shall be payable every year, on a date and at a place to be fixed by the legislative body and designated in the bonds, together with the interest on all sums unpaid on such date, interest to be paid semiannually, until the whole of the indebtedness shall have been paid; provided, however, that the legislative body may in its discretion determine and fix a date for the earliest maturity of the principal of the bonds, not more than ten (10) years from the date of the issue of the bonds, but in this event the whole amount of such indebtedness must be made payable in equal annual parts in not to exceed 40 years from the time of contracting the same. The principal and interest on the bonds shall be paid by the city treasurer in the manner provided by law for the payment of bonds of the city. Such bonds shall not be an obligation of the municipality issuing them but shall be payable from the funds of the district as herein provided and neither the municipality nor any officer thereof shall be holden for payment otherwise of their principal and interest.

Denominations, etc

5362. The bonds shall be issued in such denomination as the legislative body 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 signed by the chief executive of the municipality, or by such other officer thereof as the legislative body of the municipality shall, by resolution adopted by a two-thirds vote of all its members, authorize and designate for that purpose, and also signed by the treasurer thereof, and shall be countersigned by the clerk. The interest coupons on said bonds shall be numbered consecutively and signed by the treasurer of such municipality 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, 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.

Sale, etc

5363. The legislative body may issue and sell the bonds at not less than par value, and the proceeds of the sale of the

bonds shall be placed in the treasury of the municipality to the credit of the proper district funds and shall be applied exclusively to the purposes and objects mentioned in the ordinance or resolution ordering the holding of the bond election and to the incidental expense in connection therewith.

Tax levy, etc

5364. The legislative body of the city shall, at the time of fixing the general tax levy, and in the manner for the general tax levy, levy and collect a tax each year upon the taxable land in the district sufficient to pay the interest on the bonds for that year, and such portion of the principal as is to become due before the time for making the next general tax levy; provided, however, that if the maturity of the indebtedness created by the issue of such bonds be made to begin more than one year after the date of issue, such tax shall be levied and collected, each year sufficient to pay the interest on the indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal on or before maturity. The tax shall be in addition to all other taxes levied for municipal purposes and when collected shall be paid into the treasury of the city and be used for the payment of the principal and interest on such bonds and for no other purpose.

Contracts for construction, etc

5365. All contracts for the construction or completion of any work or improvement, or for furnishing labor, materials or supplies shall be let to the lowest responsible bidder. The legislative body shall advertise for two or more days in a newspaper of general circulation printed and published in the city, inviting sealed proposals for furnishing labor, materials and supplies for the proposed improvement before any contract shall be made; provided, however, that if chartered the city shall follow its charter as to making of contracts. The legislative body shall have the right to require such bonds as it may deem best from the successful bidder to insure the faithful performance of the contract, and shall also have the right to reject any and all bids.

State Contract Act and Labor Code

5366. The provisions of the State Contract Act and the provisions of Division 2, Part 7, of the Labor Code shall be applicable to this article.

Proceeds

5367. The municipality shall have full power and authority to expend the proceeds acquired from the sale of bonds for the acquisition or construction of the improvement or work set forth in the ordinance calling the election, and shall also have full power and authority to acquire or construct the improvements or works, and the improvements or works so acquired or constructed shall be the property of the municipality.

Name of district

5368. Any district formed under the provisions of this article shall be known as Municipal Park Improvement District No. _____ (insert number) of the City of _____ (inserting the name of the municipality in which the district is located).

Effect on other acts

5369. This article shall not affect any other act or acts relating to the same, or a similar subject, but it is intended to provide an alternative method of procedure governing the sub-

ject to which it relates. When proceeding under the provisions of this article, its provisions and none other shall apply.

5370. The provisions of this article shall be liberally construed to effect the purpose thereof and no provision shall be deemed or construed to prohibit the inclusion within the boundaries of any district formed under the provisions of this article, or any other act, of any territory which has or which may be included within any other district formed under the provisions of this article, or any other act. Article shall be liberally construed

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CHAPTER 1797

An act to add Chapter 2.5 to Division 20 of, and to add Sections 24213 and 24214 to, the Health and Safety Code, creating the Bay Area Air Pollution Control District, setting forth its organization, powers, and duties, all relating to the control of air pollution.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Chapter 2.5 is added to the Health and Safety Code, to read:

CHAPTER 2.5. BAY AREA AIR POLLUTION CONTROL DISTRICT

Article 1. Short Title

24345. This chapter may be cited and shall be known as the Bay Area Air Pollution Control Law. Short title

Article 2. Declaration of Policy

24346. The Legislature finds and declares that the people of the State of California have a primary interest in atmospheric purity and freedom of the air from any air contaminants and that there is pollution of the atmosphere in certain portions of the State which is detrimental to the public peace, health, safety, and welfare of the people of the State. Legislative declaration

24346.1. The Legislature further finds and declares:

(a) That in portions of the State the air is polluted with smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, particulate matter, and other air contaminants.

(b) That it is not practical or feasible to prevent or reduce such air contaminants by local county and city ordinances.

(c) That it is necessary, therefore, to provide for air pollution control districts in those portions of the State where regulations are necessary and feasible to reduce air contaminants

in order to safeguard life, health, property and the public welfare and to make possible the comfortable enjoyment of life and property.

Problems of air pollution

24346.2. The problems of air pollution are primarily regional and dependent upon factors of weather, topography, population, transportation, methods of waste disposal, and agricultural and industrial development. These factors vary greatly from area to area. The San Francisco Bay area, with its permanent temperature inversion layer, presents a special problem, distinct from that found in the remainder of the State. This chapter is enacted to provide a special district to control and suppress air pollution in that area.

Since the problem requiring this legislation is local and special due to atmospheric and geographic conditions, a general law cannot be made applicable so as to insure its effective alleviation. It is necessary, therefore, to create, by special law, an air pollution control district which includes only that area within the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

Definitions.

Article 3. Definitions

"District"

24348. "District," as used in this chapter, means the Bay Area Air Pollution Control District.

"Board"

24348.1. "Board," as used in this chapter, means the board of directors of the district.

"Control officer"

24348.2. "Control officer," as used in this chapter, means the air pollution control officer of the district.

"Air contaminant"

24348.3. "Air contaminant," as used in this chapter, includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, mist, odors, or particulate matter, or any combination thereof.

Article 4. Creation of District

Air pollution control district

24350. An air pollution control district is hereby created comprising the area lying within the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma, which shall be called the Bay Area Air Pollution Control District.

24350.1. The district is a body corporate and politic and a public agency of the State.

Business, etc., of district

24350.2. On the effective date of this chapter, the district shall begin to transact business and exercise its powers under this chapter in the Counties of Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara.

24350.3. The district shall not transact any business or exercise any of its powers under any of this chapter in the Counties of Napa, Solano, and Sonoma until and unless the boards of supervisors of such counties determine in the manner

provided by this article that there is need for the district to function in such counties and so declare by resolution.

Petition

24350.4. Before the district may begin to transact business or exercise its powers in Napa County, Solano County, or Sonoma County, the board of supervisors of such county, on its own motion or whenever a petition requesting that the district transact business and exercise its powers in such county signed by not less than 10 percent of the qualified electors of such county is presented to such board of supervisors, shall hold a public hearing to determine whether or not there is need for the district to function in such county.

Hearing publication

24350.5. Prior to the public hearing, the board of supervisors shall give notice of the time and place of hearing by publication once in a newspaper of general circulation not less than 15 days nor more than 45 days before such hearing.

Resolution

24350.6. Upon conclusion of the public hearing the board of supervisors may adopt a resolution declaring that there is need for the district to function in such county if from the evidence received at such hearing it finds that it is in the best interests of such county that the district function therein.

Copy

24350.7. Upon adoption of the resolution the board of supervisors of such county shall cause a certified copy of it to be filed with the board.

24350.8. From and after the date of the filing of the certified copy of the resolution with the board, the district shall begin to function and may exercise its powers within such county.

Article 4.5. City Selection Committees

City selection committee

24351. There shall be a separate and distinct city selection committee for each county in which the district may transact business and exercise its powers. The membership of such committees shall consist of the mayor of each city within such county, or, where there is no mayor, the chairman or the president of the city council.

Quorum

24351.1. A majority of the members of each city selection committee shall constitute a quorum.

San Francisco

24351.2. The City and County of San Francisco is a city for purposes of this article.

Meetings

24351.3. The city selection committee of each county shall meet on October 28, 1955, at 10 a.m. in the chambers of the board of supervisors of such county for the purpose of making the first appointment to the district board as prescribed in Section 24352. The committee of each county shall thereafter meet on the second Monday in May of each even-numbered year, at 10 a.m. in the chambers of the board of supervisors of such county, for the purpose of making succeeding appointments to the district board as prescribed in Section 24352.1. At least two weeks prior to the date of each meeting the county clerk of each county shall give notice of such meeting to each member of the city selection committee of such county. The meeting of the city selection committee of each county shall

be conducted in the presence of the county clerk of such county who shall act as the recording officer for the meeting. It shall be the duty of the county clerk to notify in writing the board of supervisors of such county and also the clerk of the district board of the appointment made by the city selection committee within 10 days after such appointment has been made.

Chairman

24351.4. Each committee shall appoint a chairman from among its members and such other officers as may be necessary.

Compensation

24351.5. Members of the committees shall serve without compensation, but may be allowed actual expenses incurred in the discharge of their duties.

Article 5. Governing Body

Board of directors

24352. The governing body of the district is a board of directors who shall be selected as provided in this article.

On or before October 28, 1955, the board of supervisors of each county in which the district may at that time transact business and exercise its powers shall appoint one of its members to be a member of the board. If the district may not transact business or exercise its powers in any county within the district on October 28, 1955, the board of supervisors of such county shall appoint one of its members to be a member of the board within 30 days after the district may so function within such county.

On October 28, 1955, the city selection committee of each county shall appoint one member of the board. Such member shall be selected from among the mayors and city councilmen of the cities within such county. If the district may not transact business or exercise its powers in any county within the district on October 28, 1955, the city selection committee shall so appoint such member of the board within 30 days after the district may so function within such county.

Terms of office, etc

24352.1. Each member of the first board shall hold office until June 1, 1956, and thereafter each member appointed by the board of supervisors shall hold office for a term of four years and until the appointment and qualification of his successor and each member appointed by the city selection committee shall hold office for two years and until the appointment and qualification of his successor. Any vacancy on the board shall be filled by appointment in the same manner as the vacating member was appointed. Any member of the board may be removed at any time in the same manner as he was appointed; provided, however, that if four-fifths of the members of the board of supervisors of a county request the removal of a member appointed by the city selection committee of such county, the city selection committee of such county shall meet within 20 days to consider the removal of such member.

Recall

24352.2. Any member of the board may be recalled from his office of member of the board of supervisors or of mayor or member of the legislative body of a city pursuant to Division

13 of the Elections Code, in which event his office as member of the board shall be vacant.

Governing body

24352.3. The board is the governing body of the district and shall exercise all the powers of the district, except as otherwise provided.

Quorum

24352.4. A majority of the members of the board constitutes a quorum for the transaction of business and may act for the board.

Expenses, compensation, etc

24352.5. Each member of the board shall receive the actual and necessary expenses incurred by him in the performance of his duties, plus a compensation of twenty-five dollars ($25) for each day attending the meetings of the board, but such compensation shall not exceed four hundred dollars ($400) in any one year.

Executive secretary

24352.6. The board may appoint an executive secretary to perform such duties as may be assigned to him by the board.

Cooperation, etc., with federal, etc., agencies

24352.7. The board may cooperate and contract with any federal, state, or local governmental agencies, private industries, or civic groups necessary or proper to the accomplishment of the purposes of this chapter.

Article 6. Powers and Duties

Powers

24354. The district shall have power:

(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.

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

(d) 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 powers.

(e) To lease, sell or dispose of any property or any interest therein whenever in the judgment of the board such property, or any interest therein, or part thereof, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the same for the purposes of the district, and to pay any compensation received therefor into the general fund of the district.

Program

24354.1. The district shall establish and execute an effective program for the reduction of air contaminants within the district.

Acts

24354.2. The district shall do such acts as may be necessary to carry out the provisions of this chapter.

Offices

24354.3. The board shall establish and maintain such offices wherever it deems will best facilitate the accomplishment of the district objectives.

Meetings

24354.4. The board shall meet at such times and places as decided by the board.

Chairman

24354.5. The board shall appoint a chairman from its members and such other officers as may be necessary.

Compensation

24354.6. The board shall determine the compensation of, and pay from district funds, the control officer, all of his personnel, the executive secretary, and members of the hearing board.

Personnel

24354.7. The board shall provide for the number of personnel to be employed by the control officer and for their duties and the times at which they shall be appointed.

Examinations

24354.8. The board may contract with any city or county, any state department, or any competent person or agency for the conducting of competitive examinations to ascertain the fitness of applicants for employment and for the performance of any other service in connection with administration of the district.

Civil service system Exempt positions

24354.9. The board may by ordinance adopt a civil service system for any or all employees of the district, except that the executive secretary and air pollution control officer shall be exempt from such system and shall serve at the pleasure of the board.

Technical, etc., services

24354.10. In exercising its powers and duties, the district shall, whenever feasible, secure necessary technical, administrative and operational services by contract with public agencies to the end that duplication of similar services and facilities is avoided to the extent possible. This section shall not be construed as requiring the board to contract for services which the board determines should, in the best interests of the district, be provided by the district or services which can be provided by the district at a lesser cost than by contract.

Article 7. Air Pollution Control Officer

Air pollution control officer

24355. The board shall appoint an air pollution control officer.

24355.1. Subject to the provisions of Article 6, the control officer shall appoint his personnel.

Duties, etc

24355.2. The control officer shall observe and enforce:

(a) The provisions of this act.

(b) All orders, regulations, and rules prescribed by the board.

(c) All variances and standards which the hearing board has prescribed.

Article 8. Advisory Council

Bay Area Air Pollution Control Advisory Council

24356. The board shall appoint a Bay Area Air Pollution Control Advisory Council to advise and consult with the board and the control officer in effectuating the purposes of this chapter. The council shall consist of the chairman of the board, who shall serve as an ex officio member, and 20 members who preferably are skilled and experienced in the field of air pollution, including at least one representative of colleges or universities in the State and at least one representative of each of the following groups within the district: health

agencies, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor.

Officers

24356.1. The council shall select a chairman and vice chairman and such other officers as it deems necessary.

Compensation, etc

24356.2. Council members shall serve without compensation but may be allowed actual expenses incurred in the discharge of their duties. The council shall meet as frequently as the directors or the council deem necessary.

Article 9. Hearing Board

Hearing board

24357. Within 30 days after the district, by resolution, determines it necessary to adopt rules and regulations to control the release of air contaminants, the district board shall appoint a hearing board, to consist of three members, none of whom is otherwise employed by the district. One member shall have been admitted to practice law in this State. One member shall be a chemical or mechanical engineer

Terms

24357.1. The district board shall appoint one member of the hearing board for a term of one year, one for a term of two years, and one for a term of three years. Thereafter the terms of members of the hearing board shall be three years.

Article 10. Enforcement

Discharge of air contaminants

24360. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

Fire for weed abatement, etc

24360.1. This article does not apply to smoke from fire set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, for the purpose of weed abatement, the prevention of a fire hazard, or the instruction of public employees in the methods of fighting fire, which is, in the opinion of such officer, necessary.

Fire for agricultural purpose

24360.2. This article does not apply to smoke from agricultural fires set by, or permitted by, the county agricultural commissioner of any county within the district after consultation with the board, if such fire is set or permission given in the performance of the official duty of such county agricultural commissioner for the purpose of disease prevention.

Local ordinances

24360.3. The Legislature does not, by the provisions of this chapter, intend to occupy the field.

The provisions of this chapter do not prohibit the enactment or enforcement by any county or city of any local ordinance stricter than the provisions of this article and stricter than the rules and regulations adopted pursuant to this chap-

ter, which local ordinance prohibits, regulates or controls air pollution.

24360.4. The provisions of this chapter do not supersede any such local county or city ordinance.

24360.5. If it should be held that the provisions of this chapter supersede the provisions of any local county or city ordinance, such suspension shall not bar the prosecution or punishment of any violation of such ordinance which violation was committed when such ordinance was in full force and effect.

24360.6. Nothing in this article limits in any way the power of the board to make needful orders, rules, and regulations pursuant to other provisions of this chapter. Nothing in this article permits any action contrary to any such order, rule, or regulation.

Civil action

24360.7. Any violation of any provisions of this article or of any order, rule, or regulation of the board may be enjoined in a civil action brought in the name of the people of the State of California.

Article 11. Rules and Regulations

Rules, etc.

24362. At any time after October 1, 1956, the board may by resolution declare it necessary that the district adopt rules and regulations to control the release of air contaminants in order to reduce or alleviate air pollution within the district. Such determination shall be based on surveys and studies made by the district and such other information as may be available to the district. The determination shall be made only after the board has considered the matter at a public hearing at which all interested persons are afforded the opportunity to appear and urge or oppose adoption of the resolution. The board shall give notice of its intention to adopt the resolution and give notice of the hearing by publication in a newspaper of general circulation in each of the counties within the district not less than 10 days prior to the hearing. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting. The hearing may be adjourned from time to time in order to permit presentation of all pertinent testimony.

Hearing

Notice of hearing

Upon the conclusion of the hearing, if the board determines it to be necessary to adopt rules and regulations to control the release of air contaminants, the board shall so declare by resolution.

24362.1. At any time after the resolution of necessity has been adopted, the board may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of this chapter.

Publication, etc

24362.2. The board shall not enact any order, rule or regulation until it first holds a public hearing thereon. It shall give not less than 10 days' notice of the time and place of such pub-

lic hearing by publication in a newspaper of general circulation published within the district.

General orders, etc., to reduce, etc., contaminants

24362.3. Whenever the board finds that the air in the district is so polluted as to cause discomfort or property damage at intervals to a substantial number of inhabitants of the district, the board may make and enforce such general orders, rules, and regulations as will reduce the amount of air contaminants released within the district, but no order, rule or regulation of the board shall specify the design of equipment, type of construction, or particular method to be used in reducing the release of air contaminants.

Request for information, analyses, etc

24362.4. The control officer at any time may require from any person subject to regulations of the board, such information or analyses as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by such source, and may require that such disclosures be certified by a professional engineer registered in the State. In addition to such report, the control officer may designate and employ a registered professional engineer of his choice to make an independent study and report as to the nature, extent, quantity, and degree of any air contaminants which are or may be discharged from the source. An engineer so designated is authorized to inspect any article, machine, equipment or other contrivance necessary to make the inspection and report.

Failure to comply with request

24362.5. If any person within a reasonable time wilfully fails or refuses to furnish to the control officer information or analyses requested by such control officer, or if the control officer finds that any order, rule or regulation of the board is being violated after a reasonable time has been allowed for compliance, the control officer shall notify the hearing board of such facts and request a public hearing on the matter.

Hearing

24362.6. Within 30 days after the control officer has requested a public hearing, the hearing board shall hold such a hearing and give notice of the time and place of such hearing to the person cited, to the control officer and to such other persons as the hearing board deems should be notified, not less than 10 days before the date of the public hearing.

24362.7. After a public hearing, the hearing board may find that no violation exists, or may take any of the actions provided in Article 12 and Article 13 of this chapter.

Article 12. Variances

Construction

24365. The provisions of this chapter do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article 10 or by rules, regulations, or orders of the board, if not of a greater extent or longer time than the hearing board or a court after a hearing before the hearing board finds necessary pursuant to the provisions of this article.

Hearing

24365.1. The hearing board on its own motion or at the request of any person may hold a hearing to determine under

what conditions and to what extent a variance from the requirements established by Article 10 or by rules, regulations, or orders of the board is necessary and will be permitted.

Fees for variances, etc

24365.2. The board may provide, by regulation, a schedule of fees which will yield a sum not exceeding the estimated cost of the administration of this article, for the filing of applications for variances or to revoke or modify variances. All applicants shall pay the fees required by such regulations.

24365.3. All such fees shall be paid to the district treasurer to the credit of the district.

Notice

24365.4. The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the control officer and upon the applicant, if any, not less than 10 days prior to such hearing.

Where compliance will result in arbitrary, etc., taking of property

24365.5. If the hearing board finds that because of conditions beyond control compliance with Article 10 or with any rule, regulation, or order of the air pollution control board will result in an arbitrary and unreasonable taking of property or in the practical closing and elimination of any lawful business, occupation or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by named classes of industries or persons, or to the operation of separate persons; provided, however, that no variance may permit or authorize the maintenance of a nuisance.

Discretion of hearing board

24365.6. In determining under what conditions and to what extent a variance from said requirements is necessary and will be permitted, the hearing board shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance.

Revoking, etc., order

24365.7. The hearing board may revoke or modify by written order, after a public hearing held upon not less than 10 days' notice, any order permitting a variance.

Notice of hearing, etc

24365.8. The hearing board shall serve notice of the time and place of a hearing to revoke or modify any order permitting a variance not less than 10 days prior to such hearing upon the control officer, upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons interested or likely to be affected who have filed with the hearing board or control officer a written request for such notification.

Service of notice

24365.9. The hearing board shall serve a notice of the time and place of a hearing to grant a variance or to revoke or modify an order permitting a variance either by personal service or by first-class mail, postage prepaid. If either the identity or address of any person entitled to notice is unknown, the hearing board shall serve such person by publica-

tion of notice once in a newspaper of general circulation published within the district.

Duration of variance

24365.10. The hearing board in making any order permitting a variance may specify the time during which such order will be effective, in no event to exceed one year, but such variance may be continued from year to year without another hearing on the approval of the control officer.

Local ordinances

24365.11. If any local county or city ordinance has provided regulations similar to those in Article 10 or to any order, regulation, or rule prescribed by the board, and has provided for the granting of variances, and pursuant to such local ordinance a variance has been granted prior to notification of the district, such variance shall be continued as a variance of the hearing board for the time specified therein or one year, whichever is shorter, or until and unless prior to the expiration of such time the hearing board modifies or revokes such variance as provided in this article.

Article 13. Procedure

Hearing board-Procedure

24367. This article applies to all hearings which either Article 11 or Article 12 of this chapter provides shall be held by the hearing board.

24367.1. The hearing board shall select from its number a chairman.

24367.2. The hearing board may hold a hearing in bank or may designate two or one of their number to hold a hearing.

24367.3. If two or three members of the hearing board conduct a hearing the concurrence of two shall be necessary to a decision.

24367.4. The hearing board, not less than two being present, may, in its discretion, within 30 days rehear any matter which was decided by a single member.

Subpena of witnesses, etc.

24367.5. Whenever the members of the hearing board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the chairman of the hearing board shall issue a subpena, in proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpena may require such person to produce all books, papers, and documents in his possession or under his control material to such hearing.

24367.6. A subpena to appear before the hearing board shall be served in the same manner as a subpena in a civil action.

Refusal to appear

24367.7. Whenever any person duly subpenaed to appear and give evidence or to produce any books and papers before the hearing board neglects or refuses to appear, or to produce any books and papers, as required by the subpena, or refuses to testify or to answer any question which the hearing board decides is proper and pertinent, he shall be deemed in contempt, and the hearing board shall report the fact to the judge of the superior court of the county in which the person resides.

Attachment of person

24367.8. Upon receipt of the report, the judge of the superior court shall issue an attachment directed to the sheriff of the county where the witness was required to appear and testify, commanding the sheriff to attach such person and forthwith bring him before the judge who ordered the attachment issued.

Punishment

24367.9. On the return of the attachment and the production of the body of the defendant, the judge has jurisdiction of the matter. The person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpenaed to appear and give evidence on the trial of a civil cause before a superior court.

Oaths

24367.10. Every member of the hearing board may administer oaths in every hearing in which he participates, and at any hearing the hearing board may require all or any witnesses to be sworn before testifying.

Person in violation of board order, etc

24367.11. Whenever the hearing board finds that any person is in violation of any order, rule or regulation of the board, and that no variance is justified, and that reasonable time has been allowed for compliance, the hearing board shall certify such facts to the district attorney for the county in which the discharge originates, whereupon such district attorney shall petition the superior court in and for the county for the issuance of an injunction restraining such person or persons from continuing any activity causing or threatening a pollution or nuisance. The court shall thereupon issue an order directing the person to appear before the court and show cause why the injunction should not be issued. Thereafter the court shall have jurisdiction of the matter, and proceedings thereon shall be conducted in the same manner as in any other action brought for an injunction. The court shall receive in evidence any order, rule or regulation of the board, any transcript of the proceedings before the hearing board, and such further evidence as the court in its discretion deems proper.

Person aggrieved

24367.12. Any person deeming himself aggrieved, including the district, may maintain a special proceeding in a superior court within the district, to determine the reasonableness and legality of any action of the hearing board.

Special proceeding

24367.13. Any person filing such a special proceeding after any decision of the hearing board shall be entitled to a trial de novo and an independent determination of the reasonableness and legality of such action in such court on all issues of law, facts, and mixed questions of law and facts and opinions therein involved.

Article 14. Financial Provisions

Indebtedness

24370. The district may borrow money and incur indebtedness in anticipation of the revenue for the current year in

which the indebtedness is incurred or of the ensuing year. Such indebtedness shall not exceed the total amount of the estimate of the tax income for either the current year or the ensuing year.

Apportionment of money for district purposes

24370.1. Before the fifteenth day of June of each year the board shall estimate and determine the amount of money required by the district for purposes of the district during the ensuing fiscal year and shall apportion this amount to the counties included within the district, one-half according to the relative value of the real estate of each county within the district as determined by the board and one-half in the proportion that the population of each county bears to the total population of the district. For the purposes of this section the board shall base its determination of the population of the several counties on the latest official information available to it. The total amount of money required by the district for district purposes during any one fiscal year shall not exceed one cent ($0 01) on each one hundred dollars ($100) of the assessed valuation of all the property included within the district.

Ad valorem tax levy

24370.2. On or before the fifteenth day of June of each year, the board shall inform the boards of supervisors of each county of the amount apportioned to the county. Each board of supervisors shall levy an ad valorem tax on the taxable real property within the county included within the district sufficient to secure the amount so apportioned to it and such taxes shall be levied and collected together with, and not separately from, the taxes for county purposes and paid to the treasurer of each of the counties to the credit of the district.

Lien

24370.3. Taxes levied by the board of supervisors for the benefit of the district shall be a lien upon all property within such county lying within the district and shall have the same force and effect as other liens for taxes. Their collection may be enforced in the same manner as liens for county taxes are enforced.

Loan for organization and operation

24370.4. At any time prior to the first receipt by the district of revenues from taxation, the counties within the district may loan any available money to the district for purposes of organization and operation and such expenditures shall constitute a proper expenditure of county funds. The board shall add the sums of money so borrowed from the counties to the first amount apportioned by the board pursuant to Section 24370.1, and shall repay the counties for all money borrowed from the first revenues received from taxation.

Funds

24370.5. The treasurers of the several counties within the district shall pay into the district treasury all funds held by them to the credit of the district.

District treasury

24370.6. The district treasury shall be in the custody of the county treasurer of a county in the district designated by the board and such treasurer shall be the district treasurer.

24370.7. The district board shall, in carrying out the provisions of this article, comply as nearly as possible with the

provisions of Chapter 1 of Division 3 of Title 3 of the Government Code.

Article 15. Dissolution

Manner of dissolution

24372. A district may be dissolved in the following manner:

1. The boards of supervisors of the counties containing more than fifty percent (50%) of the population of the entire district shall adopt a resolution stating that the existence of the district is no longer necessary or desirable for the public welfare, and announcing the intention to withdraw therefrom and to dissolve the district.

2. The resolutions so adopted shall be communicated to the clerks of the boards of supervisors of all counties comprising the district and also to the board

3. If it appears that the resolutions were adopted by the boards of supervisors in the counties desiring to withdraw, and that such counties contain more than fifty percent (50%) of the entire population in the district, the board, by resolution, shall call an election to determine the question of dissolution. The resolution shall state the time and place and purpose thereof, establish election precincts, designate polling places, and appoint election officers and, in all respects not provided in this section, the election shall be held and conducted, as nearly as practicable, in the same manner as elections for county officers in the counties. In the event such election shall be consolidated with any other election, the resolution calling the election hereunder need not describe the precincts, polling places, or appoint officers of election, but may refer to the ordinance, order, resolution or notice calling or providing for such other election, or listing or designating the precincts, polling places, and election officers therefor for the precincts, polling places and officers of election for the election called hereunder. Such resolution shall be published twice in some newspaper of general circulation in each county within the district and the first publication shall be at least 30 days prior to the date of election.

4. If a majority of the qualified electors voting at such election vote in favor of such dissolution, the board shall declare the results of the election, proceed to wind up the affairs of the district, and pay all indebtedness thereof. Any surplus funds shall be paid over to the counties in which the district lies in proportion to the amount last previously apportioned by the board to each county for purposes of levying taxes. The board shall exercise only such powers and secure such revenue from taxation as shall be necessary to wind up the affairs of the district.

5. Upon the completion of the process of winding up the affairs of the district, the board shall, by resolution, entered upon its minutes, declare the district dissolved. A certified copy of such resolution shall be filed with the county recorder of each county within the district and with the Secretary of

State. Upon the adoption of such resolution the district shall be dissolved.

SEC. 3. Section 24213 is added to the Health and Safety Code, to read:

24213. An air pollution control district which is situated in any county included within another air pollution control district created by special law shall cease to function and exercise its powers upon the date of any rules and regulations adopted by the governing body of such special district.

District created by special law

SEC. 4. Section 24214 is added to the Health and Safety Code, to read:

24214. When an air pollution control district ceases to function and exercise its powers pursuant to Section 24213, the property of such district shall vest in the county in which the district is located, and any funds belonging to such district at that time shall be transferred to such county and may be used for general county purposes.

Property of district vests in county

CHAPTER 1798

An act to add Chapter 8 to Division 10 of the Vehicle Code, relating to the identification of commercial vehicles.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Chapter 8 is added to Division 10 of the Vehicle Code, to read:

CHAPTER 8. IDENTIFICATION OF COMMERCIAL VEHICLES

687. Application of Chapter. No motor vehicle, used to carry property of others for hire and no motor vehicle used to carry passengers for hire, shall be operated upon any highway, without carrying the identification required by this chapter unless expressly exempted under the provisions of this chapter.

687.1. Display. There shall be displayed on both sides of each vehicle mentioned in Section 687 the name or trade mark of the person under whose authority the vehicle is being operated.

687.2. Size, Shape, and Color. The display of the name or trade mark shall be in letters in sharp contrast to the background and in letters at least six inches high.

This section does not prohibit additional displays not inconsistent with the provisions of this chapter.

687.3. Exemption. Motor vehicles of unladen weight of 6,000 pounds or less and motor vehicles operated by passenger stage corporations under the jurisdiction of the Public Utilities Commission are exempted from the provisions of this chapter.

CHAPTER 1799

An act to add Section 4604 to the Education Code, relating to the effect of separation of territory of unified school districts.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Section 4604 is added to the Education Code, to read:

4604. Whenever, by reason of any action taken in accordance with law, territory is removed from a unified school district, and the unified school district is separated into two or more noncontiguous parts, the validity of the unified school district shall not be affected by the withdrawal of the territory, and the rights, powers, duties, responsibilities, and jurisdiction of the unified school district shall not be affected by reason of the separation of the unified school district into two or more noncontiguous parts.

CHAPTER 1800

An act to add Article 8, comprising Sections 25520 to 25536, inclusive, to Chapter 5, Part 2, Division 2, Title 3 of the Government Code, relating to powers and duties of counties.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 8, 1955.]

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

SECTION 1. Article 8 is added to Chapter 5, Part 2, Division 2, Title 3 of the Government Code, to read:

Article 8. Sale or Lease of Real Property

Conveyances

25520. The board of supervisors of any county shall receive in the name of the county conveyances for all property received and purchased by it, and shall make in the name of the county conveyances of all property belonging to the county and sold by it.

Sale or lease of property

25521. The board of supervisors of any county may sell or lease for a term not exceeding 99 years, without a vote of the electors of the county first being taken, any real property belonging to the county.

25522. The sale may be made for cash, or for part cash and upon such terms of deferred payments secured by purchase money, mortgage, or deed of trust as are determined by the action of the board of supervisors.

25523. The funds derived from the sale shall be used for capital outlay.

25524. Any lease may be made upon such consideration or for such rental, as is authorized by the action of the board of supervisors.

25525. Every sale or lease shall be made in the manner provided by this article.

Resolution

25526. Before ordering the sale or lease of any property the board of supervisors shall, in a regular open meeting, by a two-thirds vote of all its members, adopt a resolution, declaring its intention to sell the property, or a resolution declaring its intention to lease it, as the case may be. The resolution shall describe the property proposed to be sold, or leased, in such manner as to identify it and shall specify the minimum price, or rental, and the terms upon which it will be sold, or leased, and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker, either out of the minimum price, rental, or otherwise, and shall fix a time, not less than three weeks thereafter for a public meeting of the board of supervisors to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.

Commission to real estate broker

25527. If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the commission shall be specified in the resolution. No commission shall be paid unless there is contained in or with the sealed proposal or stated in or with the oral bid, which is finally accepted, the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

Notice of adoption of resolution, etc

25528. Notice of the adoption of the resolution and of the time and place of holding the meeting shall be given by posting copies of the resolution signed by the board or by a majority thereof in three public places in the county, not less than 15 days before the date of the meeting, and by publishing the notice not less than once a week for three successive weeks before the meeting in a newspaper of general circulation published in the county, if any such newspaper is published therein.

Publication of date of meeting

25529. Whenever it is proposed to lease real property and the board of supervisors unanimously determines in the resolution that in its opinion, the monthly rental value of the property does not exceed the sum of fifty dollars ($50), the resolution may, before the date of the meeting, be published in two successive issues of a weekly newspaper of general circulation or in five successive issues of a newspaper of general circulation, published daily.

Examination, etc., of proposals

25530. At the time and place fixed in the resolution for the meeting of the board of supervisors, all sealed proposals which have been received shall, in public session, be opened, exam-

ined, and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal which is the highest shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids. In determining which is the highest sealed proposal, the board shall not subtract therefrom the commission which the proposal provides shall be paid to a licensed real estate broker. If the highest bid provides for such commission, the board shall pay to the broker either the commission specified in the resolution, as provided in Section 25527, or, if no commission was so specified, then a reasonable compensation for the services of the broker.

Call for oral bids

25531. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal which is made by a responsible person, such highest oral bid shall be finally accepted. In determining which is the highest oral bid the board shall not subtract therefrom any commission to be allowed to a licensed real estate broker, stated in or with the oral bid, but the board shall allow a commission at the rate specified in the resolution, as prescribed by Section 25527, or, if no commission was so specified, then a reasonable compensation for the services of the broker. Such commission shall not exceed one-half the difference between the highest sealed proposal and such highest oral bid, except that if both the highest sealed proposal and the highest oral bid were procured by licensed real estate brokers then the commission shall be divided between them in the manner provided by Section 25532.

Higher oral bid

25532. In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 25527 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.

Final acceptance

25533. The final acceptance by the board of supervisors may be made either at the same session or at any adjourned session of the same meeting held within the 10 days next following.

Rejecting of bids

25534. The board of supervisors may at the session, if it deems such action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.

Resolution of acceptance

25535. Any resolution of acceptance of any bid made by the board of supervisors authorizes and directs the president

of the board of supervisors, or other presiding officer, or the members thereof, to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessee of all the terms or conditions of his contract to be performed concurrently therewith.

Construction

25536. Nothing in this article shall prevent the board of supervisors of any county from acquiring, leasing or subleasing property pursuant to Section 1261 of the Military and Veterans Code.

CHAPTER 1801

An act to add Section 23824 and Section 23399.1 to, and to amend Section 23399 of, the Business and Professions Code, relating to alcoholic beverage licenses.

[Approved by Governor July 7, 1955 Filed with Secretary of State July 8, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 23824 is added to the Business and Professions Code, to read:

Applicability

23824. Limitations provided by this article on the number of licensed premises shall not apply to premises owned by the State of California, any incorporated city, county, city and county, airport district, or other district or public corporation of the State of California.

Licenses issued on premises owned by the State, incorporated city, county, city and county, airport district, or other district or public corporation of the State of California, shall be excluded from the number of premises used in determining application of the limitations provided by this article.

SEC. 2. Section 23399 of said code is amended to read:

On-sale general license

23399. An on-sale general license authorizes the sale of beer, wine, and distilled spirits for consumption on the premises where sold. Any licensee under an on-sale general license or a club license may apply to the department for a caterer's permit. Such a permit under an on-sale general license shall authorize the sale of beer, wine, and distilled spirits for consumption at conventions, sporting events, trade exhibits, picnics, social gatherings, or similar events where the premises are not otherwise licensed. Such a permit under a club license shall authorize such sales at such events only upon the licensed club premises. Consent to such sale at each such event shall be first obtained from the department pursuant to rules prescribed by it. At such events, the licensee shall comply with all provisions of the act pertaining to the conduct of on-sale premises and violation of any such provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though such violation occurred on the licensed premises. The fee for a caterer's permit shall be one hun-

dred dollars ($100) per year, and such permit may be renewable annually at the same time as the licensee's license. The caterer's permit shall be transferable as a part of the license.

SEC. 3. Section 23399.1 of said code is added, to read:

When licenses not required

23399.1. No license or permit shall be required for the serving and otherwise disposing of alcoholic beverages where all of the following conditions prevail:

1. That there is no sale of an alcoholic beverage.

2. That the premises are not open to the general public during the time alcoholic beverages are served, consumed or otherwise disposed of.

3. That the premises are not maintained for the purpose of keeping, serving, consuming or otherwise disposing of alcoholic beverages.

Provided, however, that nothing in this section shall be construed to permit any person to violate any provision of the Alcoholic Beverage Control Act.

Termination date

SEC. 4. Sections 23524 and 23399.1 of the Business and Professions Code, and the amendment to Section 23399 of said code, shall remain in effect until the ninety-first day after final adjournment of the 1957 Regular Session.

CHAPTER 1802

An act to amend Section 19170 of the Business and Professions Code, relating to furniture and bedding.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

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

SECTION 1. Section 19170 of the Business and Professions Code is amended to read:

19170. (a) The annual fee imposed for each license granted under this chapter shall be set annually by the chief, with the approval of the director, at a sum not more nor less than that shown in the following table:

	Maximum fee	Minimum fee
Furniture manufacturer's license	$30	$20
Wholesale furniture dealer's license	30	20
Bedding manufacturer's license	30	20
Wholesale bedding dealer's license	30	20
Supply dealer's license	30	20
Furniture repairer's license	20	10
Bedding renovator's license	20	10
Sterilizer's license	20	10
Retail furniture dealer's license	5	2
Retail bedding dealer's license	5	2

(b) A person who has paid the required fee and who is duly licensed as a furniture manufacturer, a furniture repairer, a bedding manufacturer or a bedding renovator under this chapter shall not be required to pay, in addition, the fee prescribed herein for a sterilizer's license.

CHAPTER 1803

An act to amend Sections 5008, 5054, 5060, 5081, 5083, 5100, 5115, and 5116 of, to renumber and amend Section 5084 of, to add Sections 5080.5, 5105, 5106, 5107, and 5108 to, and to repeal Section 5000.5 of, the Business and Professions Code, relating to accountancy.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955]

In effect September 7, 1955

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

SECTION 1. Section 5000.5 of the Business and Professions Code is repealed.

SEC. 2. Section 5008 of said code is amended to read:

5008. The board may, from time to time, prepare and distribute to all holders of certified public accountant certificates and to all persons registered for the practice of public accounting, a report of the activities of the board, and may likewise distribute reports of other matters of interest to the public and to practitioners.

Report

SEC. 3. Section 5084 of said code is renumbered and amended to read:

5009. The board may, from time to time, prepare a printed register which shall contain, following a copy of this act, and rules and regulations of the board thereunder, an alphabetical list of the names, certificate numbers, business connections and addresses of all certified public accountants to whom permits have been issued during the period covered by the register, and an alphabetical list of the names of the partnerships of certified public accountants to whom permits have been issued during the period covered by the register, followed by an alphabetical list of the names, permit numbers, business connections and addresses of all public accountants to whom permits have been issued during the period covered by the register, and an alphabetical list of the partnerships practicing public accountancy to whom permits have been issued during the period covered by the register. A register shall be mailed to every person listed therein, and to such other persons or concerns as the board, in its discretion, may determine is for the public welfare.

Register

SEC. 4. Section 5054 of said code is amended to read:

Schedule of fees

5054. The amount of fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for the certificate of certified public accountants is twenty-five dollars ($25). Should the applicant fail to pass the required examination, re-examination at subsequent examinations will be given the same applicant for an additional fee of ten dollars ($10) for each examination.

(b) The preliminary examination fee is ten dollars ($10).

(c) The registration fee is ten dollars ($10).

(d) The annual renewal fee shall be set by the board at a sum not less than three dollars ($3) nor more than seven dollars and fifty cents ($7.50).

(e) The renewal fee after expiration of permit is an amount equal to the sum of two dollars and fifty cents ($2.50) plus the amount of the annual renewal fee established under subdivision (d) of this section for each year of delinquency.

SEC. 5. Section 5060 of said code is amended to read:

Application of chapter

5060. After six months from the effective date of this chapter no person shall engage in the practice of public accountancy in this State unless such person is the holder of a valid permit to practice public accountancy issued by the board; provided, however, that nothing in this chapter shall prohibit a certified public accountant or a public accountant of another state, or any accountant of a foreign country lawfully practicing therein, from temporarily practicing in this State on professional business incident to his regular practice in another state or country.

Exceptions

SEC. 6. Section 5080.5 is added to said code, to read:

Prohibition

5080.5. No persons shall engage in the practice of accountancy as a partnership unless the partnership is registered by the board under the provisions of Sections 5081 or 5083.

SEC. 7. Section 5081 of said code is amended to read:

Partnership registration

5081. A partnership engaged in this State in the practice of public accountancy may register with the board as a partnership of certified public accountants provided it meets the following requirements:

(a) At least one general partner thereof must be a certified public accountant of this State in good standing or must have applied for a certificate as a certified public accountant under the provisions of Section 5096 of this code.

(b) Each partner thereof personally engaged within this State in the practice of public accountancy as a member thereof must be a certified public accountant of this State in good standing or must have applied for a certificate as a certified public accountant under the provisions of Section 5096 of this code.

(c) Each partner thereof must be a certified public accountant of some state in good standing.

(d) Each resident manager in charge of an office of the firm in this State must be a certified public accountant of this State in good standing, or must have applied for a certificate

as a certified public accountant under the provisions of Section 5096 of this code.

Application for such registration must be made upon the affidavit of a general partner of such partnership who holds a valid permit in this State to practice as a certified public accountant, or must have applied for a certificate as a certified public accountant under the provisions of Section 5096 of this code. The affidavit shall set forth such information as may be prescribed by the rules of the board. The board shall in each case determine whether the applicant is eligible for registration. A partnership which is so registered and which holds a valid permit issued under this article may use the words "certified public accountants" or the abbreviation "C. P. A.'s" in connection with its partnership name. Notification shall be given the board within one month after the admission to or withdrawal of a partner from any partnership so registered. Application

Any registration of a partnership under this section granted in reliance upon the provisions of Section 5096 of this code shall terminate forthwith if the board rejects the application under said Section 5096 of the general partner who signed such application for registration as a partnership, or any partner personally engaged in the practice of public accountancy in this State, or any resident manager of such partnership in charge of an office in this State.

SEC. 8. Section 5083 of said code is amended to read:

5083. A partnership engaged in this State in the practice of public accountancy may register with the board as a partnership of public accountants provided it meets the following requirements: Requirements for partnership registration

(a) At least one general partner thereof must be a certified public accountant or a public accountant of this State in good standing, or must have applied for a certificate as a certified public accountant under the provisions of Section 5096 of this code.

(b) Each partner thereof personally engaged within this State in the practice of public accountancy as a member thereof must be a certified public accountant or a public accountant of this State in good standing, or must have applied for a certificate as a certified public accountant under the provisions of Section 5096 of this code.

(c) Each partner thereof must be a certified public accountant or public accountant of this State or actively engaged in the practice of public accountancy in some state.

(d) Each resident manager in charge of an office of a firm in this State must be a certified public accountant or a public accountant of this State in good standing, or must have applied for a certificate as a certified public accountant under the provisions of Section 5096 of this code.

Application for such registration must be made upon the affidavit of a general partner of such partnership who holds a valid permit to practice in this State as a certified public ac- Affidavit

countant or as a public accountant, or must have applied for a certificate as a certified public accountant under the provisions of Section 5096 of this code. The affidavit shall set forth such information as may be prescribed by the rules of the board. The board shall in each case determine whether the applicant is eligible for registration. A partnership which is so registered and which holds a valid permit issued under this article may use the words "public accountants" in connection with its partnership name. Notification shall be given the board within one month after the admission to or withdrawal of a partner from any partnership so registered.

Any registration of a partnership under this section granted in reliance upon the provisions of Section 5096 of this code shall terminate forthwith if the board rejects the application under said Section 5096, of the general partner who signed such application for registration as a partnership, or any partner personally engaged in the practice of public accountancy in this State, or any resident manager of such partnership in charge of an office in this State.

SEC. 9. Section 5100 of said code is amended to read:

Revocation, etc.

5100. After notice and hearing the board may revoke, suspend or refuse to renew any permit or certificate granted under Articles 6 and 7 of this chapter, or may censure the holder of any such permit or certificate for any one or any combination of the following causes:

Grounds

(a) Conviction of a felony or of any crime involving moral turpitude under the laws of any state or of the United States arising out of or in connection with the practice of accountancy.

(b) Conviction of any crime, an essential element of which is dishonesty, deceit or fraud.

(c) Fraud or deceit in obtaining a certificate as a certified public accountant or in obtaining registration under this chapter or in obtaining a permit to practice public accountancy under this chapter.

(d) Dishonesty, fraud or gross negligence in the practice of public accountancy.

(e) Cancellation, revocation or suspension of certificate or other authority to practice or refusal to renew the certificate or other authority to practice as a certified public accountant or a public accountant by any other state or foreign country.

(f) Violation of any of the provisions of Section 5115 of this chapter.

(g) Wilful violation of a rule or regulation promulgated by the board under the authority granted under this chapter.

(h) Suspension or revocation of the right to practice before any governmental body or agency.

SEC. 10. Section 5105 is added to said code, to read:

Relinquishment of revoked, etc., certificate

5105. Any certified public accountant or public accountant whose certificate, registration or permit has been canceled, revoked, or suspended, shall upon request of the board relin-

quish his certificate or permit; provided, however, that upon the expiration of the period of suspension the board will immediately return any suspended certificate or permit which has been relinquished.

SEC. 11. Section 5106 is added to said code, to read:

Delinquency in payment of renewal fee

5106. Any certified public accountant or public accountant who is delinquent in the payment of his renewal fee shall upon request of the board relinquish his certificate, or permit; provided, however, the board shall reissue any certificate or permit which has been relinquished for nonpayment of renewal fees upon the filing of an application within the time prescribed by Section 5080, accompanied by payment of the delinquent fee for all intervening years.

SEC. 12. Section 5107 is added to said code, to read:

Effect of pleas, etc

5107. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The record of the conviction shall be conclusive evidence thereof. The board may order the certificate or permit suspended or revoked, or may decline to issue a certificate or permit, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made, suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such persons to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty or dismissing the accusation, information or indictment.

SEC. 13. Section 5108 is added to said code, to read:

Insanity, etc

5108. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital for a mental illness shall operate as a suspension of the right to practice of any certificate or permit holder under this chapter, such suspension to continue until restoration to or declaration of sanity or mental competence. The record of adjudication, judgment or order of voluntary commitment is conclusive evidence of such insanity or mental illness, and upon receipt of a certified copy of any such adjudication, judgment, voluntary commitment or order by the board it shall immediately suspend the certificate or permit of the person adjudicated or committed and shall not restore such certificate or permit to good standing until it shall receive competent evidence of restoration to or declaration of sanity and until it is satisfied that, with due regard for the public interest, said person's right to practice may be safely reinstated.

SEC. 14. Section 5115 of said code is amended to read:

Penalties

5115. Any person who violates any of the provisions of Article 5 of this chapter is guilty of a misdemeanor, punishable by imprisonment for not more than six months, or by a fine of not more than five hundred dollars ($500), or both.

Whenever the board has reason to believe that any person is liable to punishment under this article, the board or with its

approval any administrative committee, may certify the facts to the appropriate enforcement officer of the city or county where the alleged violation had taken place and such officer may cause appropriate proceedings to be brought.

SEC. 15. Section 5116 of said code is amended to read:

Evidence of violation

5116. The display or uttering by a person of a card, sign, advertisement or other printed, engraved or written instrument or device, bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof or the words "public accountant" or any abbreviation thereof shall be prima facie evidence in any prosecution, proceeding or hearing brought under this article that the person whose name is so displayed caused or procured the display or uttering of such card, sign, advertisement or other printed, engraved or written instrument or device. Any such display or uttering shall be prima facie evidence that the person whose name is so displayed holds himself or herself out as a certified public accountant, or a public accountant holding a permit to practice public accountancy in this State under the provisions of this chapter. In any prosecution or hearing under this chapter, evidence of the commission of a single act prohibited by this chapter shall be sufficient to justify a conviction without evidence of a general course of conduct.

CHAPTER 1804

An act to amend Section 6630 of the Business and Professions Code, relating to barbers.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

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

SECTION 1. Section 6630 of the Business and Professions Code is amended to read:

6630. The amount of fees prescribed by this chapter is that fixed by the following schedule:

(a) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering is fifteen dollars ($15) and for the issuance of the certificate three dollars ($3).

(b) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is seven dollars ($7) and for the issuance of a certificate two dollars ($2).

(c) The fee to be paid by an applicant for an examination to determine his preliminary education is three dollars ($3).

(d) The fee to be paid for the renewal of a certificate of registration to practice barbering shall be set by the board annually at not more than five dollars ($5) and not less than

two dollars ($2), and the fee for the restoration of an expired certificate is five dollars ($5).

(e) The fee to be paid for the renewal of a certificate of registration to practice as an apprentice shall be set by the board annually at not more than three dollars ($3) and not less than one dollar ($1), and the fee for the restoration of an expired certificate is three dollars ($3).

(f) The fee to be paid by an applicant to conduct a barber shop is three dollars ($3). The fee to be paid for the annual renewal of a certificate to conduct a barber shop is three dollars ($3).

(g) The fee for the issuance of a certificate of registration for a barber college is one hundred dollars ($100). The annual renewal fee for such certificate is one hundred dollars ($100) and the fee for the restoration of an expired certificate two hundred dollars ($200).

(h) The examination fee for a certificate of registration as an instructor in a barber college is twenty-five dollars ($25) and for the issuance of a certificate ten dollars ($10). The annual renewal fee for such certificate is ten dollars ($10) and the fee for the restoration of an expired certificate twenty dollars ($20).

A duplicate certificate will be issued upon the filing of a statement covering the loss of a certificate, verified by the oath of the applicant, and submitting one signed photograph, and upon the payment of a fee of one dollar ($1) for the issuance of the certificate. Each duplicate certificate shall have the word "Duplicate" stamped across the face thereof, and bear the same number as the certificate in lieu of which it is issued.

CHAPTER 1805

An act to add Section 8782 to, and to amend Section 8805 of, the Business and Professions Code, relating to land surveying.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 8782 is added to the Business and Professions Code, to read:

8782. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital of any licentiate for a mental illness shall operate as a suspension of the right to practice of any license holder under this chapter, such suspension to continue until restoration to or declaration of sanity or mental competence. The record of adjudication, judgment or order of voluntary commitment is conclusive evidence of such insanity or mental illness, and upon receipt of a

certified copy of any such adjudication, judgment, voluntary commitment or order by the board it shall immediately suspend the license of the person adjudicated or committed and shall not restore such license to good standing until it shall receive competent evidence of restoration to or declaration of sanity and until it is satisfied that, with due regard for the public interest, said person's right to practice may be safely reinstated.

SEC. 2. Section 8805 of said code is amended to read:

8805. The amount of the fee prescribed by this chapter is that fixed by the following schedule:

(a) The application fee is fifteen dollars ($15).

(b) The license fee is ten dollars ($10).

(c) The duplicate certificate fee is one dollar ($1).

(d) The annual renewal fee shall be fixed by the board at not more than eight dollars ($8) and not less than four dollars ($4).

(e) The temporary license fee is ten dollars ($10).

CHAPTER 1806

An act to amend Section 8970 of the Business and Professions Code, relating to yacht and ship brokers.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

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

SECTION 1. Section 8970 of the Business and Professions Code is amended to read:

8970. The commissioner shall charge and collect the following fees:

1. One hundred dollars ($100) for every original broker's license, regardless of class.

2. An annual renewal fee for every original broker's license, regardless of class, which fee shall be set annually by the commissioner, with the approval of the director, at not more than sixty dollars ($60) and not less than thirty-five dollars ($35).

3. Ten dollars ($10) for every original salesman's license, regardless of class.

4. An annual renewal fee for every salesman's license, regardless of class, which fee shall be set annually by the commissioner, with the approval of the director, at not more than fifteen dollars ($15) and not less than five dollars ($5).

5. Fifteen dollars ($15) for a broker's or salesman's examination. Fifteen dollars ($15) for each examination to increase the scope of a B or C license.

6. One hundred dollars ($100) for any licensee holding a B or C license, who wishes to convert such license to an A license.

7. Five dollars ($5) for a salesman's temporary license.

8. A fee for every license obtained by a broker for a branch office, and a fee for every renewal thereof, which license fee and which renewal fee shall each be set annually by the commissioner, with the approval of the director, at not more than fifteen dollars ($15) and not less than five dollars ($5).

9. One dollar ($1) for changing the name or address of a licensee on the records of the department.

10. One dollar ($1) for every transfer of a salesman's license for every change of employment.

11. One dollar ($1) for a duplicate license.

12. Ten dollars ($10) for the substitution of a name in the license of a corporation or copartnership, and an examination fee of fifteen dollars ($15).

CHAPTER 1807

An act to amend Sections 9753 and 9759 of the Business and Professions Code, relating to cemetery regulation.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 9753 of the Business and Professions Code is amended to read:

9753. The annual renewal fee for a cemetery broker's license shall be set by the board annually at not more than fifty dollars ($50) nor less than thirty dollars ($30).

SEC. 2. Section 9759 of said code is amended to read:

9759. The annual renewal fee for a cemetery salesman's license shall be set by the board annually at not more than eight dollars ($8) nor less than two dollars ($2).

CHAPTER 1808

An act to amend Sections 6712, 6762, 6775, 6795, and 6799 of, to repeal Section 6756 of, and to add Sections 6756, 6756.1, 6779, and 6780 to, the Business and Professions Code, relating to civil and professional engineers.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 6712 of the Business and Professions Code is amended to read:

Board of Registration for Civil and Professional Engineers Members, terms, etc

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 or vacancy shall be a registered professional engineer in the same branch as his predecessor.

Each member shall hold office until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

Repeal

SEC. 2. Section 6756 of said code is repealed.

SEC. 3. Section 6756 is added to said code, to read:

Certification of engineer-in-training

6756. Certification as an engineer-in-training shall be granted by the board upon the applicant's successful completion of that division of the examination prescribed in Section 6755 which deals with fundamental engineering subjects, including mathematics and the basic sciences, and payment of the fee prescribed by this chapter. Notice of an applicant's successful completion of the examination, and receipt by the board of the fee shall be only evidence of the applicant's engineer-in-training status.

An engineer-in-training certificate authorizes the holder thereof to practice professional engineering as a subordinate under the supervision of a registered professional engineer only, and the holder thereof is not authorized to assume responsible charge of work.

SEC. 4. Section 6756.1 is added to said code, to read:

Period of validity

6756.1. An engineer-in-training certificate shall be valid for a period of eight years from the date of its issuance, and no renewal or other fee, other than the application fee, shall be charged for such certificate. If the holder of a certificate fails to qualify for and be registered as a professional engineer under the provisions of this chapter within eight years from the date the certificate was issued, the certificate shall expire, and shall not be renewed.

All engineer-in-training certificates which were issued by the board prior to the date this section first takes effect and which are currently in effect on such date shall be valid for a period of eight years after such date, and no renewal fee or other fee shall be charged for the continuation of any such certificate.

SEC. 5. Section 6762 of said code is amended to read:

6762. Any applicant who has passed the examination and has otherwise qualified hereunder as a professional engineer, upon payment of the registration fee fixed by this chapter, shall have a certificate of registration issued to him as a professional engineer in the particular branch for which he is found qualified. Certificate of registration

Certificates of registration for professional engineers shall be signed by the president and secretary and issued under the seal of the board.

SEC. 6. Section 6775 of said code is amended to read:

6775. The board may receive and investigate complaints against registered professional engineers, and make findings thereon. Complaint, investigation, action

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 registered hereunder:

(a) Who has been convicted of a felony, in which case the certified record of conviction shall be conclusive evidence thereof.

(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.

SEC. 7. Section 6779 is added to said code, to read:

6779. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony is deemed to be a conviction within the meaning of this article. The board may order the certificate suspended or revoked, or may decline to issue a certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment. Effect of pleas, etc

SEC. 8. Section 6780 is added to said code, to read:

6780. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital of any certificate holder for a mental illness shall operate as a suspension of the right to practice of any certificate holder under this chapter, such suspension to continue until restoration to or Insanity, etc

declaration of sanity or mental competence. The record of adjudication, judgment or order of voluntary commitment is conclusive evidence of such insanity or mental illness, and upon receipt of a certified copy of any such adjudication, judgment, voluntary commitment or order by the board it shall immediately suspend the certificate of the person adjudicated or committed and shall not restore such certificate to good standing until it shall receive competent evidence of restoration to or declaration of sanity and until it is satisfied that, with due regard for the public interest, said person's right to practice may be safely reinstated.

SEC. 9. Section 6795 of said code is amended to read:

Structural engineers Certificate of registration

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 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 for the current year shall be issued.

SEC. 10. Section 6799 of said code is amended to read:

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 application for certification as engineer-in-training is five dollars ($5).

(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 shall be fixed by the board at not more than eight dollars ($8) and not less than four dollars ($4) for each branch of professional engineering in which registration is held; and the annual renewal fee for authority to use the title "structural engineer" is three dollars ($3).

(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.

CHAPTER 1809

An act to amend Section 8031 of, and to repeal Section 8032 of, the Business and Professions Code, relating to shorthand reporters.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 8031 of the Business and Professions Code is amended to read:

8031. The amount of the fees required by this chapter is that fixed by the following schedule:

(a) The fee for filing an application for each examination is twenty-five dollars ($25).

(b) The fee for the original issuance of a certificate shall be fixed by the board annually at not more than twenty dollars ($20) and not less than five dollars ($5), which fee shall be paid to the board before it may issue the license.

(c) The annual renewal fee shall be fixed by the board annually at not more than twenty dollars ($20) and not less than five dollars ($5). Every holder of a certificate shall pay the annual renewal fee to the board on or before May 15th of each year.

SEC. 2. Section 8032 of said code is repealed.

CHAPTER 1810

An act to add Chapter 2.6 to Division 1, Title 2, of the Government Code, creating a California-Nevada Interstate Compact Commission and prescribing its powers and duties, and to provide an appropriation therefor.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955]

In effect September 7, 1955

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

SECTION 1. Chapter 2.6 is added to Division 1, Title 2, of the Government Code, to read:

CHAPTER 2.6. CALIFORNIA-NEVADA INTERSTATE COMPACT COMMISSION

California-Nevada Interstate Compact Commission

8130. There is in the State Government a California-Nevada Interstate Compact Commission.

"Commission":

8131. As used in this chapter "commission" means California-Nevada Interstate Compact Commission.

Members

8132. The commission shall consist of seven members, the State Engineer and six members appointed by the Governor, from California electors residing, owning property or engaged in business in the areas comprising the basins of the Truckee, Carson and Walker Rivers and Lake Tahoe as follows:

One from Sierra or Nevada County; one from Placer County; one from El Dorado County; one from Alpine County; one from Mono County; and one member who resides at any place within the State, who shall represent the Lake Tahoe area.

Expenses

8133. Each member of the commission shall be entitled to receive his actual necessary expenses while on official business of the commission.

Chairman

8134. The chairman of the commission shall be selected by the commission.

Secretary

8135. The commission shall appoint a secretary who may be one of its members and may employ such employees as it deems necessary to carry out its functions under this chapter. It may also incur necessary expenses to effectuate its purposes.

Cooperation with Nevada commission

8136. It is the function of the commission to cooperate with a similar commission representing the State of Nevada in formulating and submitting to the legislatures of both states for their approval an interstate compact relative to the distribution and use of the waters of Lake Tahoe, and the Truckee, Carson and Walker Rivers. The commission shall also cooperate with any person appointed by the President of the United States to participate in the negotiations as a representative of the United States and to make a report thereon to the Congress.

Approval of compacts

8137. No compact or agreement is binding on the State of California until it has been approved by the Legislature of this State and the Congress of the United States.

Cooperation of State Engineer

8138. The State Engineer shall cooperate with the commission and furnish it with such engineering and other data as the commission may require in carrying out the provisions of this chapter, provided the costs thereof shall be paid by the commission.

Traveling outside State

8139. Members and employees of the commission may travel outside of the State and may hold hearings and conduct investigations within and outside the State, whenever necessary to carry out the purposes of this act.

Appropriation

SEC. 2. There is hereby appropriated out of the General Fund in the State Treasury, the sum of fifty thousand dollars ($50,000) to be expended by the commission in carrying out its functions under this act.

CHAPTER 1811

An act to add Section 20813 to the Government Code, relating to the State Employees Retirement System in respect to credit therein for service under the State Teachers Retirement System.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 20813 is added to the Government Code, to read:

20813. Every state member of this system credited with service in State Teachers' Retirement System who did not withdraw his contribution from the State Teachers' Retirement System at the time of becoming a member of this system may by written election filed with the board at any time prior to October 1, 1956, elect to obtain, in accordance with provisions of Section 20932, credit in this system as state service for service in this State formerly credited in State Teachers' Retirement System. A member who has requested refund of contributions from State Teachers' Retirement System shall be considered to have terminated membership in State Teachers' Retirement System within the meaning of Section 20930.5.

CHAPTER 1812

An act to add Section 709.5 to the Vehicle Code, relating to vehicle and load weight limitations.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 709.5 is added to the Vehicle Code, to read:

709.5. California Highway Patrol Scales. All scales and weighing instruments used by any member of the California Highway Patrol to enforce the provisions of this division with respect to weight limitations shall be inspected and certified as to accuracy at least once in each calendar year, by the Bureau of Weights and Measures of the Department of Agriculture.

CHAPTER 1813

An act to add Section 3600.5 to the Labor Code, relating to workmen's compensation.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

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

SECTION 1. Section 3600.5 is added to the Labor Code, to read:

3600.5. (a) If an employee who has been hired or is regularly employed in this State receives personal injury by accident arising out of and in the course of such employment outside of this State, he, or his dependents in case of his death, shall be entitled to compensation according to the law of this State.

(b) Any employee who has been hired outside of this State and his employer shall be exempted from the provisions of this division while such employee is temporarily within this State doing work for his employer if such employer has furnished workmen's compensation insurance coverage under the workmen's compensation insurance or similar laws of a state other than California, so as to cover such employee's employment while in this State; provided, the extraterritorial provisions of this division are recognized in such other state and provided employers and employees who are covered in this State are likewise exempted from the application of the workmen's compensation insurance or similar laws of such other state. The benefits under the Workmen's Compensation Insurance Act or similar laws of such other state, or other remedies under such act or such laws, shall be the exclusive remedy against such employer for any injury, whether resulting in death or not, received by such employee while working for such employer in this State.

A certificate from the duly authorized officer of the Industrial Accident Commission or similar department of another state certifying that the employer of such other state is insured therein and has provided extraterritorial coverage insuring his employees while working within this State shall be prima facie evidence that such employer carries such workmen's compensation insurance.

CHAPTER 1814

An act to amend Section 3125 of the Unemployment Insurance Code, relating to unemployment insurance.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

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

SECTION 1. Section 3125 of the Unemployment Insurance Code is amended to read:

3125. The director may from time to time, with 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. He may also invest such funds for the acquisition of real property, pursuant to the Property Acquisition Law, to be used as a parking area for the central office and for the development and construction of the parking area, together with appurtenant facilities and equipment not to exceed six hundred thousand dollars ($600,000). Such parking area shall be amortized through rental payments as fixed by the Department of Finance. Such rental payments before and after amortization shall approximate prevailing rates for parking in the immediate area. 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 constitute a part of the investment. The aggregate amount which may be invested under this section shall not exceed nine million five hundred thousand dollars ($9,500,000) except that when necessary because of increased building costs the aggregate amount may be increased with approval of the Director of Employment and the State Public Works Board by an additional amount not to exceed nine hundred fifty thousand dollars ($950,000).

Of the amount herein authorized to be invested upon request of the Director of Employment, there shall be transferred by the Controller five hundred thousand dollars ($500,000) to the Department of Employment Contingent Fund in repayment of the amount authorized to be expended from that fund for preliminary plans and specifications under Chapter 34 of the Statutes of 1950 (Third Extraordinary Session).

CHAPTER 1815

An act to add Section 171 to the Vehicle Code, relating to the issuance of special license plates to press photographers.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 171 is added to the Vehicle Code, to read:

171. Issuance of Special Plates to Press Photographers. Any person who is regularly employed or engaged as a bona fide newspaper, newsreel, or television photographer or camera-

man, may, at the time he makes application for an original or renewal registration of a vehicle required to be registered, also apply for special license plates, to be affixed to the vehicle for which registration is sought, on which, in addition to the numbers otherwise prescribed by law, shall be inscribed the letters "PP" enclosed by a shield.

The director shall provide for the issuance of special license plates specified in this section upon the applicant's showing of satisfactory proof that he is a bona fide newspaper, newsreel, or television photographer or cameraman, and may, in addition to the regular annual registration fee, charge an annual fee not exceeding three dollars ($3) for each set of plates so issued.

The department shall make such rules and regulations as necessary to ascertain compliance with all state license and registration laws relating to use and operation of a motor vehicle before issuing such plates in lieu of the regular license plates, and all applications for such plates shall be made to the department. The department shall not issue more than one set of such special plates to any person.

CHAPTER 1816

An act to amend Section 28143 of the Government Code, relating to compensation for public service in a county of the forty-third class.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

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, five thousand four hundred dollars ($5,400) a year.

(b) The district attorney, six thousand dollars ($6,000) a year.

(c) Each supervisor, three hundred dollars ($300) a month and mileage at the rate of twenty cents ($0.20) for each mile actually traveled in the discharge of his duties as supervisor, not to exceed six hundred dollars ($600) a year. Each supervisor shall also receive his necessary expenses when the performance of his duty as supervisor takes him out of the county.

(d) Grand jurors and trial jurors in the superior court shall receive five dollars ($5) 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.

CHAPTER 1817

An act to amend Sections 20124, 20305, and 20339 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 20124 of the Government Code is amended to read:

20124. The board shall determine who are employees and is the sole judge of the conditions under which persons may be admitted to and continue to receive benefits under this system, and, notwithstanding any other provision of this part to the contrary, the board may act to relieve members of future contribution payments under Sections 20930 to 20933, inclusive, of the Government Code, where the member has elected such payments.

Determination of eligibility

SEC. 2. Section 20305 of the Government Code is amended to read:

20305. Time during which an employee of a school district is absent from state service during official vacations, or during which an employee of the university, a state college, a state special school, or the California Maritime Academy is absent from state service during a comparable period, shall be counted as service in determining eligibility for membership.

Vacation period

SEC. 3. Section 20339 of said code is amended to read:

20339. A teacher or academic employee of the university or any state college who is otherwise fully employed and who serves as a teacher or in an academic capacity in any summer session or intersession, for which he receives compensation specifically attributable to such service in summer session or intersession, is excluded from this system with respect to such service.

Summer or intersession teachers

CHAPTER 1818

An act to amend Sections 20654, 20655, and 20656, and to repeal Sections 20654.6, 20654.8, 20654.9, and 20654.95 of, and to add Section 20654.5 to, the Government Code, relating to the State Employees' Retirement System in respect to the redeposit of contributions and making an appropriation therefor.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 20654 of the Government Code is amended to read:

Redeposit

20654. Subject to minimum payments fixed by the board, a member may redeposit at any time in the Retirement Fund, in one or more sums or in not to exceed 60 monthly or 120 semimonthly payments, (1) an amount equal to the accumulated contributions that he has withdrawn at one or more terminations of service, but in reverse chronological order in which they occurred, and (2) an amount equal to the interest which would have been credited to his account to the first day of the calendar month following the date the election to redeposit is received in the office of the system had such contributions not been withdrawn, and (3) if he elects to redeposit in other than one sum, interest on the unpaid balance of the amount payable to the Retirement Fund, beginning on such first day, at the rate of interest currently being used from time to time under the system.

SEC. 2. Section 20654.5 is added to said code, to read:

Same: Election

20654.5. Any member who, prior to October 1, 1955, did not elect to redeposit withdrawn contributions under the provisions of Section 20654 existing prior to said date, may at any time elect to make such redeposit under the provisions of that section existing after said date.

SEC. 3. Section 20655 of said code is amended to read:

Basis for computing rate

20655. If a member elects to redeposit withdrawn contributions as provided in Section 20654, his normal rate of contribution beginning on the first day of the calendar month following the date his election is received in the office of the system shall be based on an age determined by adding the number of completed years of his absence from membership, beginning with the earliest termination of his membership included in such redeposit, to the age upon which his normal rate of contribution, as it was prior to the termination, was based. His membership is the same as if it were unbroken by such termination. The same percentage of his final compensation per year of service which, prior to such termination, his contributions and those of his employer were calculated to provide upon retirement for service at his lowest optional service retirement age without reduced benefit shall be used in the calculation of his normal rate of contribution at reinstatement. That percentage shall be adjusted for any change in that retirement age made after the member left state service.

SEC. 4. Section 20656 of said code is amended to read:

Failure to elect or redeposit

20656. Upon re-entering this system after a termination of his membership, if a member does not elect to redeposit withdrawn contributions as provided in Section 20654 or, having so elected, subsequently does not make such redeposit, he re-enters as a new member without credit for any service except the prior service credited to him as a state member before termination, and his normal rate of contribution beginning on his re-entering the system is that for his age at reentrance.

Repeal

SEC. 5. Sections 20654.6, 20654.8, 20654.9 and 20654.95 are repealed.

SEC. 6. This act shall become operative on the first day of the month next succeeding its effective date, unless its effective date is the first day of the month, in which case it shall become operative on its effective date. Operative date

SEC. 7. The sum of three thousand dollars ($3,000) is hereby appropriated out of the General Fund in augmentation of Item 35, Budget Act of 1955, for support of the Board of Administration of the State Employees' Retirement System. Appropriation

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CHAPTER 1819

An act to amend Section 1178 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 7, 1955 Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1178 of the Unemployment Insurance Code is amended to read:

1178. (a) No refund shall be made or credit 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 Article 8 of this chapter become final or within 60 days from the date of overpayment, whichever period expires the later, but prior to the expiration of such periods the director may allow credits on his own initiative even though no claim is filed.

(b) No refund of employer or worker contributions, penalties or interest shall be made or credit for worker contributions allowed unless the employing unit conforms, within one year after the allowance of credit or approval of the claim for refund, to authorized regulations with respect to the refund to workers entitled thereto of any money deducted by the employing unit under Section 984.

CHAPTER 1820

An act to add Article 7 to Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code, relating to state supervision and enforcement of certain charitable trusts and similar relationships.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Article 7 is added to Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 7. Uniform Supervision of Trustees for Charitable Purposes Act

Short title

12580. This article may be cited as the Uniform Supervision of Trustees for Charitable Purposes Act.

Persons to whom applicable

12581. This article applies to all trustees holding property for charitable purposes over which the State or the Attorney General has enforcement or supervisory powers.

"Trustee"

12582. "Trustee" means (a) any individual, group of individuals, corporation, or other legal entity holding property in trust pursuant to any charitable trust, (b) any corporation which has accepted property to be used for a particular charitable corporate purpose as distinguished from the general purposes of the corporation, and (c) a corporation formed for the administration of a charitable trust, pursuant to the directions of the settlor or at the instance of the trustee.

Applicability

12583. This article does not apply to the United States, any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or to any of their agencies or governmental subdivisions, to any religious corporation sole or other religious corporation or organization which holds property for religious purposes, or to any officer, director, or trustee thereof who holds property for like purposes, to a cemetery corporation regulated under Chapter 19 of Division 3 of the Business and Professions Code, or to a charitable corporation organized and operated primarily for educational, religious, scientific, or hospital purposes.

Register of trustees

12584. The Attorney General shall establish and maintain a register of trustees subject to this article and of the particular trust or other relationship under which they hold property for charitable purposes and, to that end, may conduct whatever investigation is necessary, and shall obtain from public records, court officers, taxing authorities, trustees, and other sources, whatever information, copies of instruments, reports, and records are needed for the establishment and maintenance of the register.

Filing copy of trust instrument

12585. Every trustee subject to this article who has received property for charitable purposes shall file with the Attorney General, within six months after any part of the income or principal is authorized or required to be applied to a charitable purpose, a copy of the instrument providing for his title, powers or duties. If any part of the income or principal is authorized or required to be applied to a charitable purpose at the time this article takes effect, the filing shall be made within six months thereafter.

Periodic reports to Attorney General

12586. (a) Except as otherwise provided and except corporate trustees which are subject to the jurisdiction of the Superintendent of Banks of the State of California or to the

Comptroller of Currency of the United States, every trustee subject to this article shall, in addition to filing copies of the instruments previously required, file with the Attorney General periodic written reports, under oath, setting forth information as to the nature of the assets held for charitable purposes and the administration thereof by the trustee, in accordance with rules and regulations of the Attorney General.

Rules and regulations

(b) The Attorney General shall make rules and regulations as to the time for filing reports, the contents thereof, and the manner of executing and filing them. He may classify trusts and other relationships concerning property held for a charitable purpose as to purpose, nature of assets, duration of the trust or other relationship, amount of assets, amounts to be devoted to charitable purposes, nature of trustee, or otherwise, and may establish different rules for the different classes as to time and nature of the reports required to the ends (1) that he shall receive reasonably current, periodic reports as to all charitable trusts or other relationships of a similar nature, which will enable him to ascertain whether they are being properly administered, and (2) that periodic reports shall not unreasonably add to the expense of the administration of charitable trusts and similar relationships. The Attorney General may suspend the filing of reports as to a particular charitable trust or relationship for a reasonable, specifically designated time upon written application of the trustee filed with the Attorney General and after the Attorney General has filed in the register of charitable trusts a written statement that the interests of the beneficiaries will not be prejudiced thereby and that periodic reports are not required for proper supervision by his office.

(c) A copy of an account filed by the trustee in any court having jurisdiction of the trust or other relationship, if the account substantially complies with the rules and regulations of the Attorney General, may be filed as a report required by this section.

Date of filing

(d) The first report for a trust or similar relationship hereafter established, unless the filing thereof is suspended as herein provided, shall be filed not later than one year after any part of the income or principal is authorized or required to be applied to a charitable purpose. If any part of the income or principal of a trust previously established is authorized or required to be applied to a charitable purpose at the time this article takes effect, the first report, unless the filing thereof is suspended, shall be filed within six months after the effective date of the article.

Additional rules and regulations

12587. The Attorney General may make additional rules and regulations necessary for the administration of this article.

Investigations

12588. The Attorney General may investigate transactions and relationships of trustees subject to this article for the pur-

pose of ascertaining whether or not the purposes of the trust are being carried out in accordance with the terms and provisions of the instrument. He may require any agent, trustee, fiduciary, beneficiary, institution, association, or corporation, or other person to appear, at a named time and place, in the county designated by the Attorney General, where the person resides or is found, to give information under oath and to produce books, memoranda, papers, documents of title, and evidence of assets, liabilities, receipts, or disbursements in the possession or control of the person ordered to appear.

Order for appearance

12589. When the Attorney General requires the attendance of any person, as provided in Section 12588, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least 14 days before the date fixed for attendance. Such order shall have the same force and effect as a subpena and, upon application of the Attorney General, obedience to the order may be enforced by the superior court in the county where the person receiving it resides or is found, in the same manner as though the notice were a subpena. The court, after hearing, for cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend or postpone all or any part of its provisions.

Public inspection

12590. Subject to reasonable rules and regulations adopted by the Attorney General, the register, copies of instruments, and the reports filed with the Attorney General shall be open to public inspection. The Attorney General shall withhold from public inspection any instrument so filed whose content is not exclusively for charitable purposes.

Proceedings for compliance

12591. The Attorney General may institute appropriate proceedings to secure compliance with this article and to invoke the jurisdiction of the court. The powers and duties of the Attorney General provided in this article are in addition to his existing powers and duties. Nothing in this article shall impair or restrict the jurisdiction of any court with respect to any of the matters covered by it.

Construction

12592. This article shall apply regardless of any contrary provisions of any instrument.

Furnishing of copies

12593. The custodian of the records of a court having jurisdiction of probate matters or of charitable trusts shall furnish such copies of papers, records and files of his office relating to the subject of this article as the Attorney General requires.

List of applications for tax exemptions

12594. Every officer, agency, board, or commission of this State receiving applications for exemption from taxation of any charitable trust or similar relationship in which the trustee is subject to this article shall annually file with the Attorney General a list of all applications received during the year.

Construction

12595. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

12596. This article shall remain in force until July 1, 1957, and on and after that date shall have no force or effect. Termination date

SEC. 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable. Severability

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CHAPTER 1821

An act to amend Sections 148, 223, 465, 512 and 612 of the Military and Veterans Code, relating to the State Militia, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.] In effect immediately

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

SECTION 1. Section 148 of the Military and Veterans Code is amended to read:

148. The Governor may make rules and regulations in conformity with this code which shall conform as nearly as practicable to those governing the United States Army, United States Air Force and United States Navy. Such rules and regulations shall have the same force and effect as the provisions of this code. Rules and regulations

A finding by the Governor that it is impracticable to conform rules and regulations to those governing the United States Army, United States Air Force or United States Navy shall be conclusive and such rules and regulations shall have force and effect over inconsistent rules, regulations, directives, manuals or practices governing any of the armed forces of the United States.

SEC. 2. Section 223 of said code is amended to read:

223. All officers, warrant officers, and enlisted men of the militia and all persons on duty with the militia shall give such bonds and security as may be required and within the time prescribed by the Adjutant General to secure the State against loss on account of misuse or misapplication of state or company property or funds or the property or funds of the United States in use by the State. Performance bonds of officers, etc

Such bonds shall be conditioned upon the faithful performance of all duties and the accounting for all property and moneys, including organization funds, for which the obligee is responsible or accountable.

The Adjutant General may in lieu of the foregoing enter into an agreement conditioned in like terms and for the same purpose with a qualified surety company to bond all officers, warrant officers, and enlisted men of the militia, and all persons on duty with the militia without specifically naming them.

The agreement shall also provide that the report and final action of military or naval authorities having jurisdiction for fixing responsibility for loss or damage shall be conclusive proof of the responsibility or liability of any officer or officers or warrant officers or enlisted persons in a suit brought to enforce the obligation of such bond.

The premiums on bonds shall be charged to such funds appropriated for the support of the militia as the Governor directs.

SEC. 3. Section 465 of said code is amended to read:

Service of copy of charges

465. Presidents of courts-martial and summary court officers shall have power to issue warrants to arrest an accused person and to bring him before the court for trial. A court shall be ordered for his trial within the time similarly prescribed by the rules and regulations of the United States Army. If a copy of the charges and specifications is not served, or a court is not ordered within the time herein limited, the arrest shall cease, but such charges and specifications may be served, a court ordered, and the officer or enlisted man be brought to trial after such release from arrest within the time prescribed by the rules and regulations of the United States Army in similar circumstances. The appearance of the accused, without objection and pleading to the charges, shall be a waiver of any defect or irregularity of such service of any of the papers mentioned in this section.

SEC. 4. 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. Members of the California Cadet Corps may engage in rifle matches and competitions conducted or held in this State or at any place in the United States. 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. A sufficient number of rifles suitable for field target work or gallery target firing and the ammunition and equipment therefor may be purchased by a board of high school trustees, board of education, board of directors or trustees of a college or junior college, county superintendent of schools, or the State Superintendent of Public Instruction, out of any funds available therefor. 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, California National Guard Reserve 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. 5. Section 612 of said code is amended to read:

612. The colors and standards carried by organizations of the National Guard or Naval Militia shall be such as are borne by similar organizations of the United States Army, or United States Air Force, or United States Navy, except that the regimental or battalion colors or standards may have thereon the state coat of arms, instead of the coat of arms of the United States. Colors and standards

The Adjutant General may, pursuant to rules and regulations adopted by him, deliver to the members of the family of a deceased member of the National Guard or of the California National Guard Reserve one of the national colors to be used during the disposition of the remains of the deceased member according to the custom and usual practice of the United States Army, United States Air Force or United States Navy and to thereafter become the property of the members of said family.

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

The proper functioning of the California National Guard is an important and integral part of the defense preparations of the State. The international situation requires immediate changes in administrative organization, procedures, rules and regulations, property and fiscal matters which control the California National Guard. It is imperative that during the present emergency adequate provisions be immediately made concerning the use, operation and control of the state military forces.

CHAPTER 1822

An act to amend Sections 5307, 5908.5, 114 and 5001 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 5908.5 of the Labor Code is amended to read:

5908.5. Any decision of the commission as a whole or of a panel thereof granting or denying a petition for reconsidera- Decision of commission

tion or affirming, rescinding, altering, or amending the original findings, order, decision, or award following reconsideration shall be made by the commission or a panel thereof and not by a referee and shall be in writing, signed by a majority of the commission or of the panel, and shall state the evidence relied upon and specify in detail the reasons for the decision.

SEC. 2. Section 5307 of said code is amended to read:

Powers of commission

5307. The commission may by an order signed by four members:

(a) Adopt reasonable and proper rules of practice and procedure.

(b) Regulate and provide the manner in which, and by whom, minors and incompetent persons are to appear and be represented before it.

(c) Regulate and prescribe the kind and character of notices, where not specifically prescribed by Division 4, and the service thereof.

(d) Regulate and prescribe the nature and extent of the proofs and evidence.

No rule or regulation of the commission pursuant to this section shall be adopted, amended, or rescinded without public hearing at which an opportunity is afforded for interested persons to be heard or to present statements with respect to the proposed rule or regulation, or amendment or rescission thereof. Notice of the rule or regulation proposed to be adopted, amended, or rescinded, of the time and place of the public hearing, and of any action thereon by the commission must be given to such business and labor organizations and firms or individuals who have requested notice thereof.

SEC. 3. Section 114 of the Labor Code is amended to read:

Panels

114. The commission shall be composed of two panels of three members each. The members shall be assigned to the panels by the chairman and may be transferred from one panel to another by the chairman to facilitate the work of the commission. The chairman may act in the place of any member of a panel who is absent, or whose office has become vacant.

The headquarters of Panel One shall be the San Francisco office of the commission. The headquarters of Panel Two shall be the Los Angeles office of the commission.

The commission shall meet as a whole at least once each quarter.

Except as otherwise expressly provided, each of the panels shall have the power to hear and determine matters within the jurisdiction of the commission. The commission shall by rule provide for a geographical division of the State to determine what matters are to be heard and decided by each panel. Particular matters may be transferred from one panel to another, or to the commission as a whole, by an order signed by four members of the commission; provided, however, that where an application is filed incorrectly with the office of one panel it may be transferred to the other by order of a single commissioner. In any case in which the commission acts as a

whole, the act of four members shall be considered the act of the commission.

SEC. 4. Section 5001 of said code is amended to read:

5001. Compensation is the measure of the responsibility which the employer has assumed for injuries or deaths which occur to employees in his employment when subject to this division. No release of liability or compromise agreement is valid unless it is approved by the commission, a panel, commissioner, or referee.

Responsibility for compensation

CHAPTER 1823

An act to add Section 53062 to the Government Code, relating to the power of counties, cities, districts, authorities and other public corporations and agencies to engage in practices designed to produce, induce, increase and control rainfall and other precipitation.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 53062 is added to the Government Code, to read:

53062. Any county, city, city and county, district, authority or other public corporation or agency which has the power to produce, conserve, control or supply water for beneficial purposes shall have the power to engage in practices designed to produce, induce, increase or control rainfall or other precipitation for the general benefit of the territory within it.

CHAPTER 1824

An act to amend Section 69894 of, and to add Section 69899.6 to, the Government Code, relating to superior courts.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 69894 of the Government Code is amended to read:

69894. In a county with a population of over 2,000,000 where the secretary to the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, the monthly salary of the secretary shall be: first step nine hundred forty dollars ($940), second step nine hundred ninety-two dollars ($992), third step one thousand forty-eight dollars ($1,048).

Los Angeles County Superior Court employees Salaries

In such county, on authorization of the judges the secretary shall have the following employees, whose monthly salaries shall be:

	First step	Second step	Third step
(a) One chief assistant secretary	$575	$608	$641
(b) Two assistant secretaries and administrative jury commissioners	489	516	545
(c) One assistant secretary	489	516	545
(d) One chief assistant jury commissioner	516	545	575

The salaries of such employees shall be paid by the 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.

The salaries provided for in this section for employees on the three-step plan shall be paid as provided in Section 69899.5 of the Government Code.

SEC. 2. Section 69899.6 is added to said code, to read:

Vacations, etc.

69899.6. Employees of the superior court, except court commissioners and reporters, in each county having a population of over 2,000,000 shall be entitled to the same vacation benefits, sick leave benefits, holiday benefits, and other leaves of absence as are granted to employees of such county.

Such benefits shall also include the same lump sum payments for sick leave and vacation for the superior court employees when they are separated from the service as are made to county employees of such county.

CHAPTER 1825

An act to amend Section 69899 of the Government Code, relating to superior court employees in counties of 2,000,000 population or more.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

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

SECTION 1. Section 69899 of the Government Code is amended to read:

Los Angeles County Superior Court employees: Salaries

69899. In each county with a population of 2,000,000 and over, a majority of the judges of the superior court may appoint the following employees whose monthly salaries shall be:

	First step	Second step	Third step
(a) One administrative jury assistant	$440	$464	$489
(b) Three supervising judicial secretaries	395	417	440
(c) One executive secretary to the presiding judge	417	440	464
(d) One administrative assistant	440	464	489
(e) One secretary for the appellate department of the superior court	395	417	440
(f) Thirty-six senior judicial secretaries	375	395	417
(g) Five judicial secretaries	319	337	355
(h) One inventory and supply clerk	319	337	355
(i) One senior property custodian	337	355	375
(j) Six investigators of the domestic relations cases	440	464	489
(k) One chief investigator, domestic relations cases	464	489	516
(*l*) Four clerks	246	259	273
(m) Two office duplicator operators	259	273	288
(n) Two intermediate clerks	273	288	303
(o) Ten intermediate typist-clerks	273	288	303

(p) Two legal research assistants for the superior court at a flat rate of four hundred seventeen dollars ($417).

(q) Four research assistants for the appellate department of the superior court at a flat rate of four hundred seventeen dollars ($417).

One year after the effective date of the amendment to this section, salaries for the following positions referred to in this section and Section 69898 shall become:

	First step	Second step	Third step
(1) Supervising judicial secretaries	$417	$440	$464
(2) Executive secretary to the presiding judge	440	464	489
(3) Secretary for the appellate department of the superior court	417	440	464
(4) Senior judicial secretaries	395	417	440
(5) Senior probate checkers	395	417	440

The salaries provided for in this section for employees on the three-step plan shall be paid as provided in Sections 69899.5 and 69899.6.

CHAPTER 1826

An act to amend Section 69898 of the Government Code, relating to superior court employees in counties of 2,000,000 population or more.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

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

SECTION 1. Section 69898 of the Government Code is amended to read:

Los Angeles County Superior Court employees Salaries

69898. In each county with a population of 2,000,000 and over, a majority of judges of the superior court may appoint the following employees whose monthly salaries shall be:

	1st step	2d step	3d step
(a) Five probate examiners	$677	$715	$755
(b) Two assistant probate examiners	489	516	545
(c) One probate legal auditor	575	608	641
(d) One probate investigator	440	464	489
(e) Four senior probate checkers	375	395	417
(f) Four intermediate probate checkers	319	337	355
(g) Two probate checkers	288	303	319
(h) Two jury supervisors	355	375	395
(i) Two assistant jury supervisors	319	337	355

The salaries provided for in this section for employees on the three-step plan shall be paid as provided in Section 69899.5 and 69899.6.

CHAPTER 1827

An act to amend Sections 7231, 7232, 7235, and 8728 of the Education Code, relating to tuition of junior college students and nonresident high school pupils.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

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

SECTION 1. Section 7231 of the Education Code is amended to read:

Certification of cost of education

7231. Not later than July 20th of each year, the superintendent of schools of each county in which there is not a county junior college shall certify the following items to the board of supervisors and to the county auditor of the county in accordance with the rules and regulations of the Superintendent of Public Instruction, which he is hereby authorized to adopt:

(a) The total current expense of education, exclusive of the expense for transportation of pupils, during the next preceding fiscal year of all junior college pupils in grades 13 and 14 residing in the county and not in any junior college district nor in any high school district maintaining junior college courses, less state and federal apportionments received for such pupils.

(b) The actual expense of transportation of such pupils.

(c) An amount equal to one hundred fifty dollars ($150) per unit of average daily attendance of such pupils during the preceding fiscal year for the use of buildings and equipment.

(d) The estimated amount needed as specified in subdivisions (a), (b), and (c) of this section for the current year.

The Superintendent of Public Instruction shall define, for the purposes of this section, the term "current total expense of education" and the term "actual expense of transportation."

SEC. 2. Section 7232 of said code is amended to read:

Special tax levy

7232. The board of supervisors with whom the certificate is filed shall at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the county not situated in any junior college district nor in any high school district maintaining a junior college, sufficient in amount to defray all amounts specified in subdivisions (a), (b), and (c) of Section 7231 for the preceding fiscal year.

SEC. 3. Section 7235 of said code is amended to read:

Apportionment

7235. The auditor shall, not later than the last Monday in December and the last Monday in May of each year, notify the superintendent of schools of the amount in the funds. The superintendent of schools shall thereupon apportion the funds to the several junior college districts, and high school districts maintaining junior colleges, in his county or in other counties, in proportion to the amounts specified for subdivisions (a), (b), and (c) of Section 7231 for each of the districts for the preceding school year, and certify the apportionment to the auditor.

SEC. 4. Section 8728 of said code is amended to read:

Computation of tuition

8728. The tuition for the education of any person described in Section 8727 shall be computed as follows:

From the total current expense of education, exclusive of the expense of transportation, of pupils in grades 9 through 12 of the high school district or unified school district for the preceding school year subtract state and federal apportionments received by the district except federal apportionments under the act of Congress entitled, "An act to provide financial assistance for local educational agencies in areas affected by federal activities, and for other purposes," approved September 30, 1950 (Public Law 874—Eighty-first Congress), or under any similar provision of any other act of Congress received on account of the attendance of pupils residing in the district; and divide the remainder by the total number of units of average daily attendance in grades 9 through 12 of the high school

district or unified school district during the preceding school year.

Computation of total tuition chargeable

The total tuition chargeable to any elementary school district shall be computed as follows:

Multiply the resulting quotient by the units of average daily attendance during the preceding school year of pupils in grades 9 through 12 residing in the elementary school district, and not residing on a military reservation of the United States, and attending the high schools of the high school district or unified school district; subtract the amount of federal apportionments under the act of Congress entitled, "An act to provide financial assistance for local educational agencies in areas affected by federal activities and for other purposes," approved September 30, 1950 (Public Law 874—Eighty-first Congress), or under any similar provision of any other act of Congress received on account of attendance of pupils residing in the elementary school districts, and not residing on a military reservation of the United States, and attending the high schools of the high school district or unified school district; add two hundred dollars ($200) for each of such units of average daily attendance for the use of buildings and equipment; and add the actual expense of transportation provided by the high school district to such pupils.

The total amount chargeable against the county school service fund of any county shall be determined by multiplying the quotient by the units of average daily attendance during the preceding school year of pupils in grades 9 through 12 residing in the elementary school district, and on a military reservation of the United States, and attending the high schools of the high school district or unified school district.

For the purposes of this section, the Superintendent of Public Instruction shall define the term "total current expense of education" and the term "actual expense of transportation."

CHAPTER 1828

An act to amend Section 928 of the Penal Code, relating to grand jurors.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955]

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

SECTION 1. Section 928 of the Penal Code is amended to read:

928. It shall be the duty of the grand jury annually to make a careful and complete examination of the books, records and accounts of all the officers of the county, of all

hospital districts which were organized in the county, and of every city board of education within the county, and especially those pertaining to the revenue, and report as to the facts they have found, with such recommendations as they may deem proper and fit; and if, in their judgment, the services of an expert are necessary, they shall have power to employ one, at an agreed compensation, to be first approved by the court; and if, in their judgment, the services of assistants to such expert are required, they shall have power to employ such, at a compensation to be agreed upon and approved by the court.

It shall be the duty of every grand jury first impaneled in even-numbered years to investigate, upon request to grant personal interviews to the officials concerned, and to report upon the needs for increase or decrease in salaries of the county supervisors, the district attorney and the auditor, and it shall cause a copy of such report to be transmitted to each Member of the Legislature representing the county in which it has been impaneled before the commencement of the regular session of the Legislature in odd-numbered years. It shall also be the duty of every grand jury to investigate and report upon the needs of all county officers in its county, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices, and it shall cause a copy of such report to be transmitted to each member of the board of supervisors in its county.

It shall be the duty of the grand jury, when making an examination of the books, records, and accounts of all the officers of the county and when investigating and reporting upon the needs of all county officers in its county, to include an examination and report upon all the books, records and accounts of all the officers of such county which are kept in their ex officio capacity, as incumbents or officers of any special legislative district or other district created by or under the laws of the State of California, in their respective counties.

The judge, on impanelment of the grand jury, shall charge them especially as to their duties under this section; provided, that if any grand jury shall, in the report above mentioned, comment upon any person or official who has not been indicted by the said grand jury the said comments shall not be deemed to be privileged.

Any and all expenses incurred under this section, and also the per diem and mileage where allowed by law, of the grand jurors, shall be paid by the treasurer of the county out of the general fund of said county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in said county.

CHAPTER 1829

An act to add Section 1501.1 to the Education Code, relating to contracts between county superintendent of schools and school districts.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

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

SECTION 1. Section 1501.1 is added to the Education Code, to read:

1501.1. Notwithstanding any other provision of this code, the governing board of any school district and the county superintendent of schools having jurisdiction over the district may, with approval of the county board of education, enter into an agreement for service which by law the county superintendent of schools is authorized to render to be rendered by one for the other. The agreement shall provide for the payment of an amount not less than the cost of providing such service. The county superintendent of schools shall transfer from the funds of the district to the county schools service fund or from the county schools service fund to the funds of the district the amount set forth in the agreement.

CHAPTER 1830

An act to add Sections 29044.1 and 29044.2 to the Government Code, to provide for the estimation and collection of a percentage on installments of principal and interest of bonds of special districts, other than school districts, collected on the regular county assessment roll as compensation to the county for such collections.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

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

SECTION 1. Section 29044.1 is added to the Government Code, to read:

29044.1. On and after July 1, 1956, in addition to providing the estimates for payment of interest and debt redemption payments due under bonds, the auditor may also include a percentage of up to one-fourth of 1 percent of the amount of such interest and debt redemption payments due upon any bond or bonds of any special district, except a school district, or any zone or improvement district thereof.

SEC. 2. Section 29044.2 is added to said code, to read:

29044.2. Notwithstanding the provisions of any other statute or code providing to the contrary, on and after July 1,

1956, when installments of principal and interest on any bond or bonds authorized and issued by any special district, or any zone or improvement district thereof except a school district, are collected on the regular county assessment roll, the tax rate fixed to raise such amounts may also be fixed to include a percentage of such amounts up to one-fourth of 1 percent thereof. If any compensation is paid to the county for collecting taxes for any such district, the amount thereof shall be fixed by agreement between the board of supervisors and the governing body of the district and shall not exceed one-fourth of 1 percent of all money collected. Such percentages when collected shall belong to the county and shall cover the expense and compensation for the services of such officers of the county in the collection of such assessments and of the interest or penalties thereon. Percentages so collected shall be deposited to the credit of the county salary fund.

CHAPTER 1831

An act to add Section 316.5 to the Education Code, relating to the powers of county boards of education.

[Approved by Governor July 7, 1955 Filed with Secretary of State July 9, 1955]

In effect September 7, 1955

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

SECTION 1. Section 316.5 is added to the Education Code, to read:

316.5. County boards of education in counties governed by charters which provide for an elected board of education may:

(a) Adopt rules and regulations governing the administration of the office of the county superintendent of schools.

(b) Review the county superintendent of schools annual itemized estimate of anticipated revenue and expenditures before such annual itemized estimate is filed with the auditor as required by Section 29040 of the Government Code and make such revisions, reductions or additions therein that it deems advisable and proper. No such itemized estimate shall be filed by the county superintendent of schools or be approved by the board of supervisors until it has first been so reviewed and approved by the county board of education.

CHAPTER 1832

An act to amend Section 10202.8 of the Insurance Code, relating to group insurance.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

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

SECTION 1. Section 10202.8 of the Insurance Code is amended to read:

Group life policies Two or more employees

10202.8. A group life policy conforming to all of the following conditions may be issued to the trustees of a fund established by one employer, or by two or more employers in the same industry, or by one or more labor unions, or by one or more employers and one or more labor unions, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or the unions:

Persons eligible for insurance

(a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include retired employees, and the individual proprietor or partners if an employer is an individual proprietor or a partnership. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

Premiums

(b) The premium for the policy shall be paid by the trustees either: (a) wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both; or (b) partly from such funds and partly from funds contributed by either all of the insured persons or by one or more classes thereof. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured persons specifically for their insurance.

Minimum coverage, etc.

A policy on which part of the premium is to be derived from funds contributed by all of the insured persons may be placed in force only if at least 75 percent of the then eligible employees of any employer unit participating in the trust, or 75 percent of the then eligible members of any participating union if no employer unit is participating in the trust, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the

insured persons must insure all eligible persons. A policy on which part of the premium is to be derived from funds contributed by one or more classes of insured persons but not from all the insured persons, must insure all eligible persons from whom no contributions are required and must extend insurance to each class from whom contributions are required when 75 percent of the then eligible persons of any such class elect to make the required contributions. Any eligible person as to whom evidence of individual insurability is not satisfactory to the insurer shall be excluded.

(c) The policy must cover at the date of issue at least 50 persons. If the fund is established by the members of an association of employers the policy may be issued only if (i) either (a) the participating employers constitute at date of issue at least 60 percent of those employer members whose employees are not already covered for group life insurance or (b) the total number of persons covered at date of issue exceeds 600; and (ii) the policy shall not require that, if a participating employer discontinues membership in the association, the insurance of his employees shall cease solely by reason of such discontinuance.

Amounts of insurance

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection by the insured persons or by the trustees, employers or unions. No policy may be issued which provides term insurance on any person which together with any other term insurance under any group life insurance policy or policies issued to the employers, or any of them, or to the trustee of a fund established in whole or in part by the employers, or any of them, exceeds twenty thousand dollars ($20,000).

Medical examination

Such insurance may be issued with or without medical examination. For the purpose of this section the word "industry" shall not include licensed professions, such as medicine, dentistry, pharmacy, law and accountancy.

CHAPTER 1833

An act to add Section 14008 to, and to add Article 2.5 to Chapter 3 of Division 9 of, the Education Code, relating to school building public works.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 14008 is added to the Education Code, to read:

Director of school building planning of district Qualifications Duties

14008. The governing board of any school district having an average daily attendance of 10,000 or more may appoint a director of school building planning, who shall be a person qualified by training, experience and demonstrated ability to manage the building, construction and contracting business of the district. The director shall be responsible for the coordination of the building program of the district and shall advise the superintendent of schools and other employees of the district with respect to the negotiation and performance of school building construction contracts let by the governing board of the school district.

SEC. 2. Article 2.5 is added to Chapter 3 of Division 9 of the Education Code, to read:

Article 2.5. County Director of School Building Planning

Director of school building planning of county Qualifications Duties

18176. The county superintendent of schools may appoint a director of school building planning, who shall be a person qualified by training, experience and demonstrated ability to supervise the building, construction and contracting business of the school districts of the county having an average daily attendance of less than 10,000. The director shall be responsible for the coordination of the building program of the school districts of the county having such average daily attendance and shall advise the governing boards and other employees of the districts with respect to the negotiation and performance of the school building construction contracts let by the governing boards of the school districts.

Cooperation with contiguous counties

18177. The county superintendent of schools of two or more contiguous counties may cooperate with each other and to that end may enter into agreements with each other for the appointment of a joint director of school building planning, and may do all things necessary or convenient to aid and cooperate in carrying out the provisions of this article.

Advice of director before contracting

18178. Before letting any contract for the preparation of plans and specifications for any construction or alteration of any school building, the governing board of any school district having an average daily attendance of less than 10,000 shall consult the director of school building planning of the county and secure the benefit of his technical knowledge with respect to the negotiation and letting of any contract for the construction or alteration of a school building.

Same

18179. If any school district having an average daily attendance of less than 10,000 receives a final apportionment of state school building aid funds under Chapter 19 of Division 3 of this code, the governing board of such school district shall consult the director of school building planning on all matters relating to the construction of the project for which the apportionment was granted until final completion of the project.

CHAPTER 1834

An act to amend Section 1682 of, and to add Section 1682.5 to, the Labor Code, relating to farm labor contractors.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 1682 of the Labor Code is amended to read:

Definitions

1682. As used in this chapter:

(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.

(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.

SEC. 2. Section 1682.5 is added to said code, to read:

1682.5. This chapter does not apply to:

Exemptions

(a) A nonprofit corporation or organization with respect to services specified in subdivision (b) of Section 1682, which are performed for its members.

(b) Any person who performs the services specified in subdivision (b) of Section 1682 only within the scope of his employment by the third person on whose behalf he is so acting and not as an independent contractor.

CHAPTER 1835

An act to add Sections 18173 and 18174 to the Education Code, relating to school district public works and the plans and specifications therefor.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

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

SECTION 1. Section 18173 is added to the Education Code, to read:

18173. Any contract entered into by and between the governing board of any school district and any certified architect or structural engineer pursuant to Section 18199 shall provide that all plans, specifications and estimates prepared pursuant thereto shall be and remain the property of the school district.

SEC. 2. Section 18174 is added to said code, to read:

18174. The governing board of any school district shall, upon completion of any school building let pursuant to Article 3 of this chapter, file with the Division of Architecture of the Department of Public Works an ozalid type reproducible duplicate set of architect plans for the new school building plant.

CHAPTER 1836

An act to add Sections 32132 and 32133 to the Health and Safety Code, relating to powers and duties of hospital districts.

In effect September 7, 1955

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

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

SECTION 1. Section 32132 is added to the Health and Safety Code, to read:

32132. The board of directors shall let any contract involving an expenditure of more than two thousand five hundred dollars ($2,500) for work to be done or for materials and supplies to be furnished, sold, or leased to the district, to the lowest responsible bidder who shall give such security as the board requires, or else reject all bids; provided, however, that the provisions of this section shall not apply to medical or surgical equipment or supplies.

SEC. 2. Section 32133 is added to said code, to read:

32133. At least once each year the board shall engage the services of a qualified accountant of accepted reputation to conduct an audit of the books of the hospital and prepare a report. The board shall publish in a recognized newspaper of general circulation within the district the financial statement of the district with the auditor's certification, including any exceptions or qualifications as part of such certification.

CHAPTER 1837

An act to add Sections 10153.5, 10153.6, 10153.7, 10153.8, 10153.9, 10278.5, 10278.6, 10278.7, 10278.8, 10278.9, 10518.5, 10518.6, 10518.7, 10518.8 and 10518.9 to the Business and Professions Code, relating to the regulation and licensing of brokers and salesmen.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 10153.5 is added to the Business and Professions Code, to read:

Examination for renewal of real estate license

10153.5. All original real estate licenses issued by the commissioner shall be for a period of one year and the holder thereof shall not become eligible for a renewal real estate license until he has successfully passed an examination which shall be given by the commissioner not more than three months prior to the termination of the one-year license period. The examination herein referred to shall be in addition to the original qualifying examination.

SEC. 2. Section 10153.6 is added to said code, to read:

Application for renewal upon failing examination

10153.6. When an original real estate broker licensee fails to qualify for a renewal real estate broker license, he may, upon application and payment of the appropriate fee within one month after expiration of such original license, obtain either a renewal real estate salesman's license or another one-year original real estate broker's license by satisfying all the requirements therefor except the original qualifying examination.

SEC. 3. Section 10153.7 is added to said code, to read:

Application, etc., for original license

10153.7. When an original real estate salesman licensee fails to qualify for a renewal real estate salesman's license, he may, upon application and payment of the appropriate fee within one month after expiration of such original license, obtain another one-year original real estate salesman's license by satisfying all of the requirements therefor including the original qualifying examination.

SEC. 4. Section 10153.8 is added to said code, to read:

Two successive failures

10153.8. When any applicant for a real estate license fails two successive original qualifying examinations, he may not apply for examination again unless at least one year has elapsed since the date of the last such qualifying examination and he files an original license application with an original license fee.

SEC. 5. Section 10153.9 is added to said code, to read:

Necessary time lapse

10153.9. When an original real estate broker or salesman licensee fails the required additional examination under two successive original licenses, he may not apply for another license of the same class unless at least one year has elapsed since the expiration date of the last such license.

SEC. 6. Section 10278.5 is added to said code, to read:

Original business opportunity license Examination for renewal

10278.5. All original business opportunity licenses issued by the commissioner shall be for a period of one year and the holder thereof shall not become eligible for a renewal business opportunity license until the licensee has successfully passed an examination which shall be given by the commissioner not more than three months prior to the termination of the one-year license period. The examination herein referred to shall be in addition to the original qualifying examination.

SEC. 7. Section 10278.6 is added to said code, to read:

Application for renewal upon failing examination

10278.6. When an original business opportunity broker licensee fails to qualify for a renewal business opportunity broker license, he may, upon application and payment of the appropriate fee within one month after expiration of such original license, obtain either a renewal business opportunity salesman's license or another one-year original business opportunity broker's license by satisfying all the requirements therefor except the original qualifying examination.

SEC. 8. Section 10278.7 is added to said code, to read:

Application etc., for original license

10278.7. When an original business opportunity salesman licensee fails to qualify for a renewal business opportunity salesman's license, he may, upon application and payment of the appropriate fee within one month after expiration of such original license, obtain another one-year original business opportunity salesman's license by satisfying all of the requirements therefor including the original qualifying examination.

SEC. 9. Section 10278.8 is added to said code, to read:

Two successive failures

10278.8. When any applicant for a business opportunity license fails two successive original qualifying examinations, he may not apply for examination again unless at least six months have elapsed since the date of the last such qualifying examination and he files an original license application with an original license fee.

SEC. 10. Section 10278.9 is added to said code, to read:

Necessary time lapse

10278.9. When an original business opportunity broker or salesman licensee fails the required additional examination under two successive original licenses, he may not apply for another license of the same class unless at least one year has elapsed since the expiration date of the last such license.

SEC. 11. Section 10518.5 is added to said code, to read:

Mineral, oil, etc., licenses Examination for renewal

10518.5. All original mineral, oil and gas licenses issued by the commissioner shall be for a period of one year, and the holder thereof shall not become eligible for a renewal mineral, oil and gas license until he has successfully passed an examination which shall be given by the commissioner not more than three months prior to the termination of the one-year license period. The examination herein referred to shall be in addition to the original qualifying examination.

SEC. 12. Section 10518.6 is added to said code, to read:

Application for renewal upon failure of examination

10518.6. When an original mineral, oil and gas broker licensee fails to qualify for a renewal mineral, oil and gas broker license, he may, upon application and payment of the

appropriate fee within one month after expiration of such original license, obtain either a renewal mineral, oil and gas salesman's license or another one-year original mineral, oil and gas broker's license by satisfying all the requirements therefor except the original qualifying examination.

SEC. 13. Section 10518.7 is added to said code, to read:

Application, etc., for original license

10518.7. When an original mineral, oil and gas salesman licensee fails to qualify for a renewal mineral, oil and gas salesman's license, he may, upon application and payment of the appropriate fee within one month after expiration of such original license, obtain another one-year original mineral, oil and gas salesman's license by satisfying all of the requirements therefor including the original qualifying examination.

SEC. 14. Section 10518.8 is added to said code, to read:

Two successive failures

10518.8. When any applicant for a mineral, oil and gas license fails two successive original qualifying examinations, he may not apply for examination again unless at least six months have elapsed since the date of the last such qualifying examination and he files an original license application with an original license fee.

SEC. 15. Section 10518.9 is added to said code, to read:

Necessary time lapse

10518.9. When an original mineral, oil and gas broker or salesman licensee fails the required additional examination under two successive original licenses, he may not apply for another license of the same class unless at least one year has elapsed since the expiration date of the last such license.

Operative date

SEC. 16. The provisions of this act shall be operative on October 1, 1955.

CHAPTER 1838

An act to amend Section 542 of the Code of Civil Procedure, relating to the manner in which property is attached.

[Approved by Governor July 7, 1955. Filed with Secretary of State July 9, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 542 of the Code of Civil Procedure is amended to read as follows:

Execution of writ

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:

Real property

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 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 any of the following financial institutions: (a) banks; (b) savings and loan associations; (c) title insurance companies or underwritten title companies (as defined in Section 12402 of the Insurance Code), 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 financial institution must be attached by leaving a copy of the writ and the notice, together with a copy of the complaint if required hereunder, with the manager or other officer of such financial institution at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried, or at which such financial institution 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 financial institution 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 1839

An act to amend Sections 5154 and 7001 of, and to add Sections 7004 and 7124.1 to, the Education Code, relating to county school service funds and the Public School System, making an appropriation, declaring the urgency thereof, to take effect immediately.

I object to the item of appropriation in Section 5.5 of Senate Bill No. 675, and reduce the amount of said appropriation to $3,500. With this reduction I approve the bill.

GOODWIN J. KNIGHT
Governor

[Approved by Governor July 8, 1955. Filed with Secretary of State July 11, 1955.] In effect immediately

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

SECTION 1. Section 5154 of the Education Code is amended to read:

5154. The amount appropriated in Section 5153 shall be expended in accordance with the following schedule: Expenditure of appropriation

(a) Ninety-four cents ($0.94) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for allowance to county school service funds pursuant to subdivision (a) of Section 7001.

(b) For the Fiscal Years 1955-56 through 1958-59 three dollars and fifty-seven cents ($3.57) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for allowance to county school service funds pursuant to subdivision (b) of Section 7001.

(c) Three dollars and twenty cents ($3.20) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 3, Chapter 15, of this division, except Section 7018.1.

(d) Forty cents ($0.40) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year, for the purposes of Section 7018.1.

(e) Two dollars and twenty-five cents ($2.25) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 12, Chapter 15, of this division.

(f) One dollar ($1) multiplied by the total average daily attendance credited to all kindergarten, elementary, high

school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 13, Chapter 15, of this division.

(g) Five cents ($0.05) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 14, Chapter 15, of this division.

(h) Twelve dollars ($12) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for the purposes of Article 15, Chapter 15, of this division.

(i) One hundred forty-eight dollars and two cents ($148.02) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, and elementary schools in the State and county school tuition funds on account of elementary school pupils, plus the difference between eight dollars and fourteen cents ($8.14) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, and junior college schools in the State and to county school tuition funds and one dollar and sixty cents ($1.60) multiplied by the average daily attendance during the preceding fiscal year credited to all high schools in the State and county school tuition funds on account of high school pupils, plus forty-three cents ($0.43) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school and junior college schools in the State and to county school tuition funds during the preceding school year for basic and equalization aid to be apportioned on account of average daily attendance during the preceding fiscal year credited to all kindergarten and elementary schools in the State and county school tuition funds on account of elementary school pupils.

(j) One hundred forty-nine dollars and sixty-two cents ($149.62) multiplied by the average daily attendance during the preceding fiscal year credited to all high schools in the State and county school tuition funds on account of high school pupils for basic and equalization aid to be apportioned on account of average daily attendance during the preceding fiscal year credited to all high schools in the State and county school tuition funds on account of high school pupils.

(k) One hundred forty-eight dollars and two cents ($148.02) multiplied by the average daily attendance during the preceding fiscal year credited to all junior college schools in the State for basic and equalization aid to be apportioned on account of average daily attendance during the preceding fiscal year credited to all junior college schools in the State.

SEC. 2. *Section 7001 of said code is amended to read:*

Total amount allowed

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 amounts 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:

(a) 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 which during the next preceding fiscal year had less than 901 units of average daily attendance and in the elementary schools of unified school districts which during the next preceding fiscal year had less than 1,501 units of average daily attendance shall not exceed the sum provided by law for such purpose or the amounts shown necessary by such budgets, for such purpose, whichever is the lesser.

(b) The total amount allowed by the Superintendent of Public Instruction under this section to all county school service funds for all other purposes shall not exceed the sum provided by law for such purposes or the amounts shown necessary by such budgets, whichever is the lesser.

(c) The Superintendent of Public Instruction is herewith authorized to withhold from the allowances made pursuant to subdivision (b) of this section such amount as he determines is needed, but not in excess of five hundred thousand dollars ($500,000), to reimburse county superintendents of schools for expenses incurred in providing emergency education to pupils and making emergency financial grants to school districts pursuant to the provisions of Section 7205.

(d) The Superintendent of Public Instruction is herewith authorized to withhold from the allowances made pursuant to subdivision (b) of this section such amount as he determines is needed to reimburse county superintendents of schools for the actual and necessary travel expenses incurred in connection with cooperative county publication projects by the county superintendent of schools or members of his staff.

SEC. 3. Section 7004 is added to said code, to read:

Allowance of amounts of expenditures

7004. The Superintendent of Public Instruction shall allow at such times as needed to the county school service fund of each county eligible to receive reimbursement from the amounts withheld pursuant to subdivisions (c) and (d) of Section 7001, the amounts claimed by the county superintendent of schools as expenditures from the county school service fund eligible for reimbursement.

SEC. 4. Section 7124.1 is added to said code, to read:

Apportionment

7124.1. The Superintendent of Public Instruction shall apportion at such times as needed the amounts allowed pursuant to Section 7004.

Operative date

SEC. 5. This act shall become operative July 1, 1955.

Appropriation

SEC. 5.5. The sum of seven thousand dollars ($7,000) is hereby appropriated out of the General Fund in the State Treasury to the Department of Education to be used for the establishment of a comprehensive classification plan for all county school service fund positions as authorized by Section 9594.

Urgency

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

During the 1953 Legislative Session a termination date of June 30, 1955, was placed on the amount appropriated each year for allowances to county school service funds. In order that there will be money appropriated for the operation of county school service funds during the 1955-56 Fiscal Year, it is necessary that this act take effect immediately.

CHAPTER 1840

An act to amend Section 5033 of, and to add Section 5033.1 to the Education Code, relating to distressed school districts, and declaring the urgency thereof, to take effect immediately.

I object to the item of appropriation in Section 1.5 of Senate Bill No. 685, and I reduce the amount of said appropriation to $50,000. With this reduction I approve the bill.

GOODWIN J. KNIGHT
Governor

In effect immediately

[Approved by Governor July 8, 1955. Filed with Secretary of State July 11, 1955.]

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

SECTION 1. Section 5033 of the Education Code is amended to read:

Availability of appropriation

5033. The appropriation herein made is exempt from the provisions of Section 16304 of the Government Code. Any money appropriated by this chapter for apportionment to school districts for which application is not made on or before December 31, 1953, shall revert to the General Fund in the State Treasury. In regard to applications filed on or before the latter date, apportionments may be made at any time until December 31, 1954. Any unexpended funds from apportionments made pursuant to this chapter where the award of a contract is less than the estimated cost of construction, shall revert to the State Treasury and be credited to the appropriation heretofore made, and shall be available for reapportionment by the State Allocation Board. Any money appropriated by this chapter for support of the Department of Finance or the Director of Finance shall be available for expenditures until December 31, 1957.

SEC. 1.5. Section 5033.1 is hereby added to the Education Code, to read:

Appropriation

5033.1. The sum of one hundred thousand dollars ($100,000) is hereby appropriated from any money in the State Treasury not otherwise appropriated for apportionments to school districts pursuant to this chapter which the board deems

necessary or advisable in order to complete, or to reimburse a district for expenditures made in connection with, a project at a given site for which an apportionment has previously been made under this chapter. Funds appropriated by this section for which application is not made on or before December 31, 1956, shall revert to the General Fund of the State Treasury. In regard to such applications filed on or before the latter date, apportionments may be made at any time until December 31, 1958.

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

In order that the construction of schools, as provided in Chapter 1.5 of Division 3 of the Education Code, may be continued without delay to meet the dire need of the children of this State for adequate and safe classrooms, it is essential that this act take effect immediately.

CHAPTER 1841

An act to amend Section 28141 of the Government Code, relating to compensation for public service in a county of the forty-first class.

[Approved by Governor July 8, 1955. Filed with Secretary of State July 11, 1955.] In effect September 7, 1955

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

SECTION 1. Section 28141 of the Government Code is amended to read:

28141. In a county of the forty-first class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums: Lassen County officers Salaries

(a) The auditor, eight hundred dollars ($800) a year.

(b) The district attorney, six thousand dollars ($6,000) a year.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year and mileage from his residence to the county seat at each sitting of the board, at twenty-five cents ($0.25) a mile. Each supervisor is, in addition, allowed three hundred dollars ($300) a year to cover mileage expenses at twenty-five cents ($0.25) a mile in viewing the roads. This salary and mileage are in full for all services.

(d) Grand jurors and trial jurors shall receive the following fees and mileage:

(1) Grand jurors and jurors in the superior court shall be paid six dollars ($6) a day for each day's attendance, and twenty-five cents ($0.25) for each mile actually traveled in

going only, while acting as jurors. The judge of the court shall certify to the auditor the number of days' attendance of each juror and his mileage. The auditor shall draw his warrant on the treasurer in favor of each juror and the treasurer shall pay the warrant.

(2) Trial jurors in any justice court shall receive four dollars ($4) for each day's attendance, and twenty-five cents ($0.25) for each mile actually traveled in going to, but not from, the place of attendance. The judge of the justice court shall certify to the auditor the number of days' attendance of each juror, and the auditor shall draw his warrant therefor, and the treasurer shall pay the warrant.

(e) Witnesses legally required to appear before the grand jury or the superior court shall receive four dollars ($4) for each day's attendance, and ten cents ($0.10) per mile for each mile actually traveled in going to, but not from, the place of appearance.

(f) Witnesses legally required to appear in any justice court or before a coroner's jury shall receive three dollars ($3) for each day's attendance, and ten cents ($0.10) per mile for each mile actually traveled in going to, but not from, the place of appearance.

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

CHAPTER 1842

An act to add Part 14, comprising Sections 32001 to 32555, inclusive, to Division 2 of the Revenue and Taxation Code, to add Section 50018 thereto, to amend Sections 23010, 23103, 23106, 23364, 23368, 23372, 23666, 23959, 23960, 24049, 24200, 25350, 25616, 25750, 25751, 25752, 25753, 25759, 25760, and 25761 of the Business and Professions Code, and to amend and renumber Sections 24402 and 24523 of the latter, relating to the taxation of alcoholic beverages or their sale, and the administration of laws relating to alcoholic beverages, and repealing various sections of the Business and Professions Code specified herein.

In effect September 7, 1955

[Approved by Governor July 8, 1955. Filed with Secretary of State July 11, 1955.]

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

SECTION 1. Part 14 is added to Division 2 of the Revenue and Taxation Code, to read:

PART 14. ALCOHOLIC BEVERAGE TAX

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

Short title

32001. This part is known and may be cited as the "Alcoholic Beverage Tax Law."

Construction

32002. Unless the context otherwise requires, the definitions set forth in this chapter and those in Chapter 1 of Division 9 of the Business and Professions Code govern the construction of this part.

"Sale"

32003. "Sale," as used in Sections 32151 and 32201 of this code, includes, in addition to the definition in Section 23025 of the Business and Professions Code, the transaction whereby alcoholic beverages are transferred, with or without consideration, by a licensee holding one type of license to himself for purposes of sale under a retailer's license held by him or to any person for any purpose; and the transaction whereby alcoholic beverages are transferred, with or without consideration, by a customs broker to any person within this State except a licensed importer.

"Tax"

32004. "Tax," as used in this part, except in Chapters 4 and 5, means the excise tax imposed by this part on beer or wine or on distilled spirits.

"Taxpayer"

32005. "Taxpayer," means a person liable for the payment of a tax pursuant to this part.

Construction

32006. The provisions of this part insofar as they are substantially the same as existing provisions of law relating to the same subject matter shall be construed as restatements and continuations and not as new enactments.

Suits commenced before effective date

32007. Any action or proceeding commenced before this part takes effect, or any right accrued, is not affected by this part, but all procedure taken shall conform to the provisions of this part as far as possible.

Chapter 2. General Exemptions

Exemptions in transit alcoholic beverages

32051. Alcoholic beverages in continuous transit through this State are exempt from the provisions of this part only while in continuous transit through this State in the possession or custody of common carriers. The board may require affidavits of any person on forms prescribed by the board and may require any such shipments to be checked in and checked out at the boundaries of the State. Any person refusing to make the affidavits required or refusing to check in or check out the alcoholic beverages is guilty of a misdemeanor.

Trade, professional, etc., use

32052. No tax shall be imposed upon the sale of alcohol, distilled spirits, or wine by distilled spirits manufacturers, brandy manufacturers, rectifiers, industrial alcohol dealers, or wine growers for use in the trades, professions, or industries, but not for beverage use. Complete information concerning sales of distilled spirits or wine for use in trades, professions, or industries by persons holding industrial alcohol dealers' licenses, distilled spirits manufacturers' licenses, brandy manufacturers' licenses, rectifiers' licenses, and wine growers' licenses shall be reported to the board each month by such licensees on forms prescribed by the board.

Limitation

32053. Except as provided in Section 23113 of the Business and Professions Code, alcohol or other distilled spirits sold for

the uses mentioned in Sections 23111 and 23112 of that code may be sold free of the tax imposed by this part only when sold in packages of a capacity of larger than one gallon.

Common carriers

32054. No tax shall be imposed upon the sale of alcoholic beverages by a licensee in this State to a common carrier or to a person licensed to sell alcoholic beverages on boats, trains, or airplanes operated by a common carrier when the alcoholic beverages are to be used without this State; nor in such case need the common carrier procure a license for purposes of purchasing alcoholic beverages from a licensed manufacturer, wine grower, rectifier, importer, or wholesaler.

CHAPTER 3. REGISTRATION AND BONDS

License as registration

32101. The issuance of any manufacturer's, wine grower's, distilled spirits manufacturer's agent's, rectifier's, wine rectifier's, wholesaler's, importers, or customs broker's license under Division 9 of the Business and Professions Code shall constitute the registration of the person to whom the license is issued as a taxpayer under this part. Upon the issuance of any such license the Department of Alcoholic Beverage Control shall furnish a copy thereof to the board.

Bonds Filing

32102. Every taxpayer shall file with the board, in such form as the board prescribes, a bond or bonds executed by him as principal and a corporation such as is mentioned in Section 1056 of the Code of Civil Procedure in this State as surety, payable to the people of the State of California, conditioned upon the payment of all taxes, penalties, and other obligations of the taxpayer arising under this part.

Amount

32103. Subject to the limitations provided in this article, the board shall fix the total amount of the bond or bonds required of any taxpayer and may increase or reduce the amount at any time. In fixing the total amount, the board shall require a bond or bonds equivalent in total amount to twice the taxpayer's estimated monthly tax ascertained in such manner as the board may deem proper. The total amount of the bond or bonds required of any taxpayer shall never be less than five hundred dollars ($500).

Effective date of surety withdrawal

32104. Every bond shall contain a provision substantially that when the surety exercises his right to withdraw as surety the withdrawal shall be effective on the first day of the calendar month after receipt of the notice by the board if the notice is received on or before the fifteenth day of the month, otherwise the withdrawal shall be effective on the first day of the second calendar month after receipt of the notice by the board.

Deposit in lieu of bonds

32105. In lieu of a bond or bonds a taxpayer, under such conditions as the board may prescribe, may deposit with the State Treasurer an amount of lawful money equivalent to the amount of the bond or bonds or he may deposit bonds or other obligations of the United States, the State of California, or any county or city and county of this State of an actual

market value not less than the amount of the bond or bonds fixed by the board.

Delinquencies

32106. Upon receipt of a certificate of the board setting forth the amount of a taxpayer's delinquencies, the State Treasurer shall pay to the board the amount so certified from the money deposited with him by the taxpayer or from the amounts received from the sale of bonds or other obligations deposited with the Treasurer by the taxpayer. Securities deposited with the State Treasurer which have a prevailing market price may be sold by him for the purposes of this section at private sale at a price not lower than the prevailing market price thereof.

Canceled, void, etc., bonds

32107. Whenever a taxpayer's bond is canceled, or becomes void or unenforceable for any reason, or whenever a taxpayer fails to pay any taxes or penalties due under this part, the board shall give written notice thereof to the Department of Alcoholic Beverage Control.

Common carriers

32109. Any common carrier, except railroad and steamship companies, before engaging in the business of transporting shipments of alcoholic beverages into this State, shall register with the board and make application to the board for an interstate alcoholic beverage transporter's permit, which, upon issuance, shall be valid until revoked by the board.

Chapter 4. Tax on Beer and Wine

Article 1. Imposition of Tax

Excise tax

32151. Except as otherwise provided in this part, an excise tax is imposed upon all beer and wine sold in this State or pursuant to Section 23384 of the Business and Professions Code by a manufacturer, wine grower, or importer, or sellers of beer or wine selling beer or wine with respect to which no tax has been paid within areas over which the United States Government exercises jurisdiction, at the following rates:

Schedule

(a) On all beer, sixty-two cents ($0.62) for every barrel containing 31 gallons and at a proportionate rate for any other quantity.

(b) On all still wines containing not more than 14 percent of absolute alcohol by volume, one cent ($0.01) per wine gallon and at a proportionate rate for any other quantity.

(c) On all still wines containing more than 14 percent of absolute alcohol by volume, two cents ($0.02) per wine gallon and at a proportionate rate for any other quantity.

(d) On champagne, sparkling wine, excepting sparkling hard cider, whether naturally or artificially carbonated, thirty cents ($0.30) per wine gallon and at a proportionate rate for any other quantity.

(e) On sparkling hard cider, two cents ($0.02) per wine gallon and at a proportionate rate for any other quantity.

Rules and regulations

32152. The board shall adopt such rules and regulations as may be necessary to coordinate so far as permitted by the

provisions of this part the system of beer and wine taxation imposed by this part with the system of beer and wine taxation imposed by the internal revenue laws of the United States.

Article 2. Presumptions and Exemptions

Presumptions Place of sale

32171. It shall be presumed, for the purposes of this part, that all beer removed from the internal revenue bonded premises of a beer manufacturer has been sold in this State by the manufacturer, unless one of the following is proved to the satisfaction of the board, in reports on forms prescribed by the board:

(a) That the beer has been sold and delivered in internal revenue bond to another beer manufacturer in this State.

(b) That the beer has been exported without this State or sold for export by the beer manufacturer making the report and actually exported from this State.

(c) That the beer is beer otherwise exempted from taxation under this part.

(d) That the beer is still in the possession of the licensee.

Manufacturer's premises

32172. Beer consumed by employees of a manufacturer upon the premises of the manufacturer is exempted from the tax under such rules as the board may prescribe.

Wine

32173. It shall be presumed, for the purposes of this part, that all wine removed from a winery or wine storerooms bonded under the internal revenue laws of the United States on payment of the internal revenue tax by a wine grower has been sold in this State by the wine grower, unless it is proved to the satisfaction of the board, in reports on forms prescribed by the board, that the wine has been exported from this State or sold for export by the wine grower making the report and actually exported from this State or that the wine is otherwise exempt from taxation under this part.

Same

32174. No tax is imposed by this part upon any wine sold or delivered in internal revenue bond to another wine grower in this State.

Beer and wine

32175. It shall be presumed, for the purposes of this part, that all beer and wine imported into this State by a beer manufacturer or wine grower or importer has been sold in this State at the time it is received by the licensee, unless it is proved to the satisfaction of the board, on forms prescribed by the board, that the beer or wine is still in the possession of the wine grower in internal revenue bond within this State, or has been exported from this State by the licensee making the report or has been sold by him for export and actually exported from this State, or is otherwise exempt under this part.

Where subsequently exported

32176. If taxes have been paid on beer or wine subsequently exported from the State or sold for export and actually thereafter exported from this State, or on beer or wine subsequently destroyed under the supervision of a board representative, a taxpayer may claim and shall be allowed credit with respect to the taxes in any report filed or assessment made under this part.

Armed forces

32177. No tax shall be imposed upon the sale of beer by licensed beer manufacturers or beer wholesalers to the following listed instrumentalities of the armed forces of the United States organized under Army, Air Force, or Navy regulations and located upon territory within the geographical boundaries of the State:

(a) Army, Air Force, and Navy exchanges.

(b) Officers', noncommissioned officers', and enlisted men's clubs or messes.

If any manufacturer or wholesaler has paid the tax on beer thereafter sold to an instrumentality of the armed forces so located, the taxpayer may claim and shall be allowed credit with respect to the tax so paid in any report filed or assessment paid under this part.

Credit to wine growers

32178. Any wine grower may claim and shall be allowed credit in any tax report filed or assessment made under this part with respect to the tax paid by him on wine sold to a wine rectifier and which has been exported from this State by the wine rectifier or sold for export by the wine rectifier and thereafter actually exported from this State. The board shall make rules prescribing the procedure for claiming and allowance of the credit.

CHAPTER 5. TAX ON DISTILLED SPIRITS

Article 1. Imposition of Tax

Excise tax: Manufacturers, distributors, etc

32201. An excise tax is imposed upon all distilled spirits sold in this State or pursuant to Section 23384 of the Business and Professions Code by manufacturers, distilled spirits manufacturer's agents, brandy manufacturers, rectifiers, or wholesalers, or sellers of distilled spirits selling distilled spirits with respect to which no tax has been paid within areas over which the Federal Government exercises jurisdiction, at the following rates:

On all distilled spirits of proof strength or less, eighty cents ($0.80) per wine gallon, and at a proportionate rate for any quantity.

All distilled spirits in excess of proof strength shall be taxed at double the above rate.

Common carriers, etc

32202. An excise tax is levied on sales made in this State of distilled spirits by common carriers on board boats, trains, and airplanes, or by persons licensed to sell distilled spirits on board such boats, trains, and airplanes, at the same rates as set forth in Section 32201. On or before the first day of each month such common carriers and such other licensed persons shall forward to the board a verified report of the sales of distilled spirits so made in the calendar month preceding the previous calendar month, in such detail and form as the board may prescribe, together with a payment sufficient to pay the tax on the sales.

Examinations

32203. The board shall from time to time make examinations to determine the accuracy of the reports of sales submitted by common carriers and by persons licensed to sell distilled spirits on board boats and trains operated by common carriers. The board may make such rules for the enforcement of the provisions of Section 32202 as it deems necessary to adequately insure the collection of the tax.

Article 2. Presumptions and Exemptions

Presumptions: Sale

32211. It shall be presumed that all distilled spirits acquired by any taxpayer have been sold in this State by him unless one of the following is proved to the satisfaction of the board, in reports on forms prescribed by the board:

(a) That the distilled spirits are still in the possession of the licensee.

(b) That the distilled spirits have been sold or delivered to another licensed distilled spirits manufacturer, rectifier, importer, or wholesaler.

(c) That the distilled spirits have been exported without this State or sold for export by the licensee making the report and actually exported from this State within 90 days from the date of the sale.

(d) That prior to the termination of possession the distilled spirits have been lost through unintentional destruction.

(e) That prior to the termination of possession there has been an unaccounted for loss, but the unaccounted for loss shall not exceed a tolerance to be fixed by the board.

(f) That the distilled spirits are otherwise exempt from taxation under this part.

Exemptions

32212. The tax is not imposed upon any distilled spirits specifically mentioned in subdivisions (a) to (f), inclusive, of Section 32211.

The tax is not imposed upon the sale of brandy to a licensee of another state pursuant to the provisions of Section 23108 of the Business and Professions Code.

Any claim for exemption from taxes under Section 32211 shall be made to the board in such manner as the board shall prescribe.

Interstate commerce

32213. Whenever distilled spirits are sold by manufacturers, rectifiers, importers, or wholesalers to common carriers engaged in interstate or foreign passenger service for use or sale by the carriers partly within the State and partly without the State on board boats, trains, or airplanes, or to persons licensed to sell distilled spirits on board such boats, trains, or airplanes, the tax shall not be levied on the sales made by manufacturers, rectifiers, importers, or wholesalers.

Chapter 6. Determinations

Article 1. Returns and Payments

Remittance of tax

32251. The tax is a direct obligation of the taxpayer and is due and payable monthly on or before the fifteenth day of each calendar month. Each taxpayer, on or before the fifteenth day of each month, shall make out a tax return for the preceding calendar month, in such form as is prescribed by the board, showing the amount of beer or wine or distilled spirits sold in this State, the amount of tax for the period covered by the return, and such other information as the board deems necessary. The taxpayer shall deliver the return, together with a remittance of the amount of tax due, to the office of the board on or before the fifteenth day of the month.

Penalty

32252. If the tax is not paid to the board within the time prescribed for the payment of the tax, a penalty of 5 percent of the amount of the tax shall be added thereto on account of the delinquency.

Time extension

32253. The board for good cause may extend for not to exceed 30 days the time for making any report or paying any tax. Any person to whom an extension is granted and who pays the tax within the period for which the extension is granted shall pay, in addition to the tax, interest at the rate of 6 percent per annum from the date the tax would have been due without the extension to the date of payment.

Interest

32254. All taxes not paid on the date when due and payable shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from and after that date until paid.

Article 2. Deficiency Determinations

Deficiency determinations

32271. If the board is dissatisfied with the return or returns filed or amount of tax paid to the State by any taxpayer, it may compute and determine the amount to be paid based upon any information available to it. One or more additional determinations may be made of the amount of tax due for one or for more than one month. The amount of tax so determined shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the fifteenth day after the close of the month for which the amount of the tax, or any portion thereof, should have been reported until the date of payment. In making a determination, the board may offset overpayment for a month or months against underpayments for another month or months and against the interest and penalties on the underpayments. If any part of the deficiency for which a determination of an additional amount due is made is found to have been occasioned by negligence or intentional disregard of this part or authorized rules, a penalty of 10 percent of the amount of the determination shall be added, plus interest as above provided. If any part of the deficiency for which a determination of an additional amount due is made is found to be

occasioned by fraud or an intent to evade this part or authorized rules, a penalty of 25 percent of the amount of the determination shall be added, plus interest as above provided. The board shall give to the taxpayer written notice of its determination. The notice may be served personally or by mail; if by mail, service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the taxpayer at his address as it appears in the records of the board, but the service shall be deemed complete at the time of the deposit of the notice in the mail without extension of time on account of the distance between the place of deposit and the place of address.

Fraudulent returns, etc

32272. Except in the case of a fraudulent return or neglect or refusal to make a return, every notice of a determination of an additional amount due shall be given within three years after the date when the amount should have been returned.

Article 3. Determinations if No Return Made

Determinations where no return made

32291. If any taxpayer fails to make a return required by this part, the board shall make an estimate, based upon any information available to it, for the month or months with respect to which the taxpayer failed to make a return of all alcoholic beverages sold in this State by him. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the State, adding to the sum thus fixed a penalty equal to 5 percent thereof. One or more determinations may be made of the amount of tax due for one or for more than one month. The amount of tax so determined shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the fifteenth day after the close of the month for which the amount of the tax, or any portion thereof, should have been returned until the date of payment. In making a determination the board may offset overpayments for a month or months against underpayments for another month or months and against interest and penalties on the underpayments. If any part of the deficiency for which a determination is made is due to negligence or intentional disregard of this part or authorized rules, an additional penalty of 10 percent of the amount of the determination shall be added. If the neglect or refusal of a taxpayer to file a return as required by this part was due to fraud or an intent to evade the tax, there shall be added to the tax a penalty equal to 25 percent thereof in addition to the 5 percent penalty. The board shall give to the taxpayer written notice of the estimate and determination, the notice to be served personally or by mail in the same manner as prescribed for service of notice by Section 32271.

Penalty

32292. Except as provided in Section 32253, a penalty of five dollars ($5) shall be imposed on any taxpayer who fails to file a tax return within the time prescribed for the filing of the

return, but this penalty shall not be in addition to the 5 percent penalty provided under Section 32252 for the late payment of tax if the 5 percent penalty exceeds five dollars ($5).

Article 4. Redeterminations

Redeterminations

32301. Any person from whom an amount is determined to be due under Articles 2 or 3 of this chapter or any person directly interested may petition for a redetermination thereof within 15 days after service upon him of notice of the determination. If a petition for redetermination is not filed within the 15-day period, the amount determined to be due becomes final at the expiration thereof. If a petition for redetermination is filed within the 15-day period, the board shall reconsider the amount determined to be due, and if the person has so requested in his petition, shall grant him an oral hearing and shall give him 10 days' notice of the time and place of the hearing. The board may continue the hearing from time to time as may be necessary.

The board may decrease or increase the amount of the determination. The amount of the determination may be increased, however, only if claim for the increase is asserted by the board at or before the hearing.

The order or decision of the board upon a petition for redetermination shall become final 15 days after service upon the petitioner of notice thereof.

All amounts determined to be due by the board under Articles 2 or 3 of this chapter are due and payable at the time they become final, and if not paid when due and payable, there shall be added thereto a penalty of 10 percent of the amount determined to be due.

Any notice required by this section shall be served personally or by mail in the same manner as prescribed for service of notice by Section 32271.

Article 5. Jeopardy Determinations

Jeopardy determinations

32311. If the board believes that the collection of any amount of tax will be jeopardized by delay, it shall thereupon make a determination of the amount of tax due, noting that fact upon the determination, and the amount of tax shall be immediately due and payable. If the amount of the tax, interest, and penalty specified in the jeopardy determination is not paid, or a petition for redetermination is not filed, within 10 days after the service upon the taxpayer of notice of the determination, the determination becomes final, and the delinquency penalty and interest provided in Sections 32252 and 32254 shall attach to the amount of tax specified therein.

Petition for redetermination

32312. The taxpayer against whom a jeopardy determination is made may file a petition for the redetermination thereof with the board within 10 days after the service upon him of notice of the determination, but he shall within the 10-day

period deposit with the board such security as it deems necessary to insure compliance with the provisions of this part. The security may be sold by the board at public sale if it becomes necessary in order to recover any amount due under this part. Notice of the sale may be served upon the person who deposited the security personally or by mail in the same manner as prescribed for service of notice by Section 32271. Upon any such sale, the surplus, if any, above the amount due under this division shall be returned to the person who deposited the security.

CHAPTER 7. COLLECTION OF TAX

Article 1. Suit for Tax

Suit for tax

32351. The board may bring such legal actions as are necessary to collect any deficiency in the tax required to be paid, and, upon the board's request, the Attorney General shall bring the actions.

Evidence

32352. In any suit brought to enforce the rights of the State with respect to taxes, a certificate by the board showing the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency of the amount of tax, interest, and penalty set forth therein, and of compliance by the board with all provisions of this part in relation to the computation and levy of the tax. In the action a writ of attachment may issue, and no bond or affidavit previous to the issuing of the attachment shall be required.

Article 2. Judgment for Tax

Certificate

32361. Whenever any tax, interest, or penalty is not paid when due, the board may file in the office of the County Clerk of Sacramento County or any other county a certificate specifying the amount of the tax, interest, and penalty due, the name and last known address of the taxpayer liable for it, that the board has complied with all the provisions of this part in relation to the computation and levy of the tax, and requesting that judgment be entered against the taxpayer in the amount of the tax, interest, and penalty set forth in the certificate. The county clerk immediately upon the filing of the certificate shall enter a judgment for the people of the State of California against the taxpayer in the amount of the tax, interest, and penalty set forth in the certificate. The judgment may be filed by the county clerk in a loose-leaf book entitled "Special Judgment for State Excise Tax."

Judgment

Lien

32362. An abstract or copy of the judgment entered under Section 32361 may be recorded with the county recorder of any county, and from the time of such recording, the amount of the taxes, interest, and penalty set forth in the judgment shall constitute a lien upon all the real property owned by the taxpayer in the county or which he may acquire afterwards and before the lien expires, which lien shall have the force,

effect, and priority of a judgment lien. Execution shall issue upon such a judgment upon the request of the board in the same manner as execution may issue upon other judgments, and sales shall be held under the execution as prescribed in the Code of Civil Procedure. In all proceedings under this section the board shall act on behalf of the people of the State of California.

Article 3. Seizure and Sale

Seizure and sale of property

32371. Whenever any taxpayer is delinquent in the payment of the tax, the board or its authorized representative may seize any property, real or personal, of the taxpayer, and sell at public auction the property seized, or a sufficient portion thereof, to pay the tax due, together with any penalties imposed for the delinquency and all costs that have been incurred on account of the seizure and sale.

Notice

32372. Written notice of the intended sale, and the time and place thereof, shall be given to the delinquent taxpayer and to all persons appearing of record to have an interest in the property at least 10 days before the date set for the sale by enclosing the notice in an envelope addressed to the taxpayer at his last known residence or place of business in this State as appears upon the records of the board, if any, and depositing it in the United States registered mail, postage prepaid. The notice shall also be published for at least 10 days before the date set for the sale in a newspaper of general circulation published in the county in which the property seized is to be sold. If there is no newspaper of general circulation in the county, the notice shall be posted in three public places in the county for the 10-day period. The notice shall contain a description of the property to be sold, a statement of the amount of the taxes, penalties, and costs, the name of the taxpayer, and the further statement that unless the taxes, penalties, and costs are paid on or before the time fixed in the notice for the sale, the property, or so much thereof as may be necessary, will be sold in accordance with law and the notice.

Publication

Contents of notice

Sale

32373. At the sale the property shall be sold by the board or by its authorized agent in accordance with law and the notice, and the board shall deliver to the purchaser a bill of sale for the personal property and a deed for any real property sold. The bill of sale or deed vests title in the purchaser subject to a right of redemption as prescribed in the Code of Civil Procedure upon sales of real property on execution. The unsold portion of any property seized may be left at the place of sale at the risk of the taxpayer.

Disposition of excess proceeds

32374. If upon the sale the moneys received exceed the amount of all license taxes, penalties, and costs due the State from the taxpayer, the board shall return the excess to him and obtain his receipt. If any person having an interest in or lien upon the property files with the board prior to the sale notice of his interest, the board shall withhold any excess pending a determination of the rights of the respective parties

thereto by a court of competent jurisdiction. If for any reason the receipt of the taxpayer is not available, the board shall deposit the excess moneys with the State Treasurer, as trustee for the owner, subject to the order of the taxpayer, his heirs, successors, or assigns.

Article 4. Miscellaneous

Notice of delinquency

32381. If any taxpayer is delinquent in the payment of any obligations imposed by this part, the board may give notice of the amount of the delinquency by registered mail to all persons having in their possession or under their control any credits or other personal property belonging to the taxpayer, or owing any debts to the taxpayer, at the time of the receipt by them of the notice. Thereafter any person so notified shall neither transfer nor make other disposition of such credits, personal property, or debts until the board has consented to a transfer or disposition or until 20 days have elapsed from and after the receipt of the notice. All persons so notified shall, within five days after the receipt of the notice, advise the board of all such credits, personal property, or debts, in their possession, under their control, or owing by them, as the case may be.

Remedies cumulative

32382. The remedies of the State provided for in this chapter are cumulative, and no action taken by the board or Attorney General constitutes an election by the State or any of its officers to pursue any remedy to the exclusion of any other remedy for which provision is made in this part.

Priority

32383. Whenever any person liable for any tax is insolvent, whenever any person makes a voluntary assignment of his assets, whenever the estate of a deceased person in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased, or whenever the estate and effects of an absconding, concealed, or absent person are levied upon by process of law, the tax, together with interest and penalties attaching thereto, shall be first satisfied. This section shall not be construed to give the State a preference over any recorded lien which attached prior to the date when the tax became a lien.

Chapter 8. Overpayments and Refunds

Article 1. Claim for Refund

Refund

32401. If the board determines that any amount of tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the State Board of Control the amount collected in excess of what was legally due and the person from whom it was collected or by whom paid. If approved by the State Board of Control the excess amount collected or paid shall be credited

on any amounts then due from the person under this part, and the balance shall be refunded to the person, or his successors, administrators, or executors.

Claim

32402. No refund shall be allowed unless a claim therefor is filed with the State Board of Equalization within three years from the fifteenth day after the close of the monthly period for which the overpayment was made, or, with respect to determinations made under Articles 2 or 3 of Chapter 6 of this part, within six months after the determinations become final, whichever period expires the later. No credit shall be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the board within such period. Every claim for refund or credit shall be in writing and shall state the specific grounds upon which the claim is founded.

Effect of failure to file claim

32403. Failure to file a claim within the time prescribed in this article constitutes a waiver of all demands against the State on account of the overpayment.

Notice of disallowance

32404. Within 30 days after disallowing any claim in whole or in part, the board shall serve written notice of its action on the claimant, such service to be made as provided by Section 32271.

Interest

32405. Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the rate of one-half of 1 percent per month from the fifteenth day of the calendar month following the monthly period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

(a) In the case of a refund, to the fifteenth day of the calendar month following the date upon which the claimant is notified by the board that a claim may be filed or the date upon which the claim is certified to the State Board of Control, whichever date is the earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

32406. If the board determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon.

Article 2. Suit for Refund

Collection of tax not to be prevented

32411. 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 of the State to prevent or enjoin the collection of any tax sought to be collected.

Filing of claim necessary for suit

32412. No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally assessed or collected unless a claim for refund or credit has been duly filed.

Bringing of action

32413. Within 90 days after the mailing of the notice of the board's action upon a claim for refund or credit, the claimant may bring an action against the board 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.

Effect of failure to notify claimant

32414. If the board fails to mail notice of action on a claim within six months after the claim is filed, the claimant may, prior to the mailing of notice by the board, consider the claim disallowed and bring an action against the board on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

Failure to bring action as waiver

32415. Failure to bring suit or action within the time specified in this article constitutes a waiver of all demands against the State on account of any alleged overpayments.

Judgment

32416. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any taxes due from the plaintiff, and the balance shall be refunded to the plaintiff.

Interest

32417. In any judgment, interest shall be allowed at the rate of 6 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

Taxpayer *only may* bring action

32418. A judgment shall not be rendered in favor of the plaintiff in any action brought against the board to recover any tax paid when the action is brought by or in the name of an assignee of the taxpayer paying the tax or by any person other than the person who has paid the tax.

Article 3. Recovery of Erroneous Refunds

Recovery of erroneous refunds

32431. The Controller may recover any refund or part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California, and the action shall be tried in the County of Sacramento unless the court, with the consent of the Attorney General, orders a change of place of trial. The Attorney General shall prosecute the action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings.

Article 4. Cancellations

Cancellations

32440. If any amount has been illegally determined, the board shall certify this fact to the State Board of Control and the latter shall authorize the cancellation of the amount upon the records of the board.

CHAPTER 9. ADMINISTRATION

Enforcement

32451. The board shall enforce the provisions of this part and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this part.

Additional reports

32452. In addition to any other reports required under this part, the board may, by rule and otherwise, require additional, other, or supplemental reports from alcoholic beverage licensees, common and private carriers, and other persons and prescribe the form, including verification, of the information to be given on, and the times for filing of, such additional, other, or supplemental reports. The failure or refusal of any person to render the reports required under this section is a misdemeanor.

Examination of books and records

32453. The board may make such examinations of the books and records of any person selling, manufacturing, warehousing, or transporting alcoholic beverages as it may deem necessary in carrying out the provisions of this part.

Employees

32454. The board may employ accountants, auditors, investigators and other expert and clerical assistance necessary to enforce its powers and perform its duties under this part.

CHAPTER 10. DISPOSITION OF PROCEEDS

Disposition of taxes, interest, and penalties

32501. All taxes, interest, and penalties imposed and all amounts of tax required to be paid to the State under this part shall be paid to the board in the form of remittances payable to the State Board of Equalization of the State of California. The board shall transmit the payments to the State Treasurer to be deposited in the State Treasury to the credit of the Alcohol Beverage Control Fund.

32502. The money in the fund shall, upon order of the Controller, be drawn therefrom for refunds under this part or be transferred to the General Fund of the State.

CHAPTER 11. VIOLATIONS

Penalties

32551. Any person who knowingly or wilfully files a false tax return with the board, and any person who refuses to permit the board or any of its representatives to make any inspection or examination for which provision is made in this part, or who fails to keep books of account as prescribed by the board, or who fails to preserve such books for the inspection of the board for such time as the board deems necessary, or who alters, cancels, or obliterates entries in such books of account for the purpose of falsifying the records of sales of alcoholic beverages made under this part, is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or by imprisonment in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment.

32552. Any person who wilfully evades or attempts in any manner to evade or defeat the payment of the excise tax imposed by this part is guilty of a felony.

32553. Any person who diverts or conspires with others to divert for beverage use any alcohol or other distilled spirits or wine sold tax free for use in the trades, professions, or industries is guilty of a felony.

32554. Every person convicted for a violation of any of the provisions of this part for which another penalty or punishment is not specifically provided for in this part is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

32555. Every person convicted of a felony for a violation of any of the provisions of this part for which another punishment is not specifically provided for in this part shall be punished by a fine of not more than five thousand dollars ($5,000) or by imprisonment in the state penitentiary for not less than one year nor more than five years, or by both such fine and imprisonment.

SEC. 2. Section 50018 is added to the Revenue and Taxation Code, to read:

Repeals

50018. The following sections of the Business and Professions Code are repealed:

23665	24469	24579
24400	24470	24580
24401	24495	24581
24403	24496	24582
24404	24497	24583
24405	24498	24584
24406	24499	24605
24407	24520	24606
24431	24521	24607
24432	24522	24608
24433	24524	24609
24435	24525	24610
24436	24545	24611
24437	24546	24612
24438	24547	24613
24439	24548	24614
24440	24549	24615
24441	24550	24616
24465	24575	24617
24466	24576	24618
24467	24577	24619
24468	24578	24620

SEC. 3. Section 23010 of the Business and Professions Code is amended to read:

"Taxpayer" 23010. "Taxpayer" means a person liable for the payment of a tax pursuant to Part 14 of Division 2 of the Revenue and Taxation Code.

SEC. 4. Section 23103 of said code is amended to read:

Administrators, executors, etc 23103. The administrator, executor, or guardian of the estate, or receiver, or assignee for the benefit of creditors, or trustee of the bankrupt estate of a licensee other than a retail licensee, may, after receiving the permission of the department, on such terms and conditions as the department prescribes, operate under the license issued to the licensee, pending transfer of the license to such person, for a period not exceeding 45 days. The terms and conditions prescribed by the department shall include the filing of an appropriate bond under the applicable provisions of Part 14 of Division 2 of the Revenue and Taxation Code conditioned upon the payment of all excise taxes, penalties, and interest assessed against or imposed upon such persons in those cases in which such persons are liable for the payment of excise taxes, penalties, and interest under the provisions of that part.

SEC. 5. Section 23106 of said code is amended to read:

Storage of wine, etc 23106. (a) Wine stored in a winery or wine cellar bonded under the internal revenue laws of the United States and brandy in bulk stored in an internal revenue bonded warehouse may be stored by or for any licensee without the necessity of any license by the person furnishing or providing the storage space.

(b) Beer and wine upon which excise taxes have been paid to the State at the rate fixed under Part 14 of Division 2 of the Revenue and Taxation Code may be stored by or for any licensee in any private or public warehouse or elsewhere in this State without the necessity of any license by the person furnishing or providing the storage space or any special additional license by the licensee.

(c) Any other alcoholic beverage may, without the necessity of any additional license, be stored by or for a licensee in private warehouses approved by the department, if within the limits of the county in which the licensee's licensed premises are located, or in a public warehouse within that county, or may be stored in bond in a public warehouse outside that county if the public warehouse is also a United States customs bonded warehouse, a United States internal revenue bonded warehouse, or United States bonded wine cellar.

SEC. 6. Section 23364 of said code is amended to read:

Distilled spirits manufacturer 23364. All provisions of this division relating to the sale and delivery of distilled spirits from distilled spirits wholesalers or rectifiers to on- or off-sale licensees, all provisions of Part 14 of Division 2 of the Revenue and Taxation Code imposing an excise tax upon the sale of distilled spirits, and all provisions of Part 14 of Division 2 of the Revenue and Taxation Code relating to distilled spirits excise tax procedure

applies to distilled spirits manufacturers when making sales, authorized by this division, of distilled spirits produced in this State to on- or off-sale licensees.

SEC. 7. Section 23368 of said code is amended to read:

Rectifier's license

23368. 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 Part 14 of Division 2 of the Revenue and Taxation Code has been paid, and, whether so cut, blended, mixed, flavored, or colored by him or any other person, to package, label, export, and sell the products to persons holding licenses authorizing the sale of distilled spirits.

SEC. 8. Section 23372 of said code is amended to read:

Wine rectifier

23372. 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 Part 14 of Division 2 of the Revenue and Taxation Code has been paid, and whether so cut, blended, rectified, mixed, flavored, or colored by him, or any other person, to package, label, export, and sell the products to persons holding licenses issued by the department authorizing the sale of wine. The holder of a wine rectifier's license may apply for and hold a wine importer's license, a distilled spirits manufacturer's license, 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.

SEC. 9. Section 23666 of said code is amended to read:

Seizure

23666. Alcoholic beverages imported into this State contrary to the provisions of Sections 23661 to 23664, inclusive, shall be seized by the department.

SEC. 10. Section 23959 of said code is amended to read:

Application denied, etc Return of fee

23959. If an application is denied or withdrawn, three-fourths of the license fee paid, or an amount equal to the license fee paid less than ten dollars ($10), whichever is greater, shall be credited on any taxes then due from the applicant under Part 14 of Division 2 of the Revenue and Taxation Code or the Sales and Use Tax Law, the remaining portion of this amount shall be returned to the applicant, and the balance of the license fee shall be deposited in the Alcohol Beverage Control Fund.

SEC. 11. Section 23960 of said code is amended to read:

License issued within later quarter Return of fee

23960. If, after an application for a license is filed, the license is not issued within the quarter applied for but is issued thereafter, such portion of the license fee as is not required in the quarter when issued shall be credited on any taxes then due from the applicant under Part 14 of Division 2 of the Revenue and Taxation Code or the Sales and Use Tax Law, and the balance shall be refunded to the applicant.

SEC. 12. Section 24049 of said code is amended to read:

Refusal to renew

24049. The department may refuse the renewal of any license when the applicant is delinquent in the payment of any

taxes due under Part 14 of Division 2 of the Revenue and Taxation Code or under the Sales and Use Tax Law.

SEC. 13. Section 24402 of said code is renumbered and amended to read:

23333. On- or off-sale general licensees shall keep books of accounts in which shall be kept records of all distilled spirits acquired by them, or in lieu thereof shall preserve all original bills and invoices for distilled spirits acquired. The records shall be in the form prescribed by the department and shall show at all times all purchases of distilled spirits made during the previous three years. Records

SEC. 14. Section 24200 of said code is amended to read:

24200. The following are the grounds which constitute a basis for the suspension or the revocation of licenses: Grounds for suspension or revocation

(a) When the continuance of a license would be contrary to public welfare or morals; but proceedings under this section upon this ground are not a limitation upon the department's authority to proceed under Article XX, Section 22, of the Constitution.

(b) Except as limited by Chapters 11 and 12 of this division, the violation or the causing or the permitting of a violation by a licensee of this division, any rules of the board adopted pursuant to Part 14 of Division 2 of the Revenue and Taxation Code or any rules of the department adopted pursuant to the provisions of this division, or any other penal provisions of law of this State prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding, or mislabeling of alcoholic beverages or intoxicating liquors.

(c) The misrepresentation of a material fact by any applicant in obtaining any license.

(d) The plea, verdict, or judgment of guilty to any public offense involving moral turpitude or under any federal law prohibiting or regulating the sale, exposing for sale, use, possession, or giving away of alcoholic beverages or intoxicating liquors or prohibiting the refilling or reuse of distilled spirits containers charged against the licensee.

(e) Where the portion of the premises of the licensee upon which the activities permitted by the license are conducted are a resort for illegal possessors or users of narcotics, prostitutes, pimps, panderers, or sexual perverts. In addition to any other legally competent evidence, the character of the premises may be proved by the general reputation of the premises in the community as a resort for illegal possessors or users of narcotics, prostitutes, pimps, panderers, or sexual perverts.

(f) Failure to correct objectionable conditions constituting a nuisance within a reasonable time after receipt of notice to make such corrections from a district attorney under Section 373a of the Penal Code.

SEC. 15. Section 24523 of said code is renumbered and amended to read:

Suspension of license

24205. The license of any taxpayer shall be automatically suspended upon cancellation of his bond, or if the bond becomes void or unenforceable for any reason, or if the taxpayer fails to pay any taxes or penalties due under Part 14 of Division 2 of the Revenue and Taxation Code. The license shall be automatically reinstated if the taxpayer files a valid bond, or pays his delinquent taxes, as the case may be.

Upon the petition of any taxpayer whose license has been suspended under this section, a hearing shall be afforded him after five days' notice of the time and place of hearing.

SEC. 16. Section 25350 of said code is amended to read:

Seizable beverages

25350. The department may seize the following alcoholic beverages:

(a) Alcoholic beverages manufactured or produced in this State by any person other than licensed manufacturer or wine grower, regardless of where found.

(b) Beer and wine upon the sale of which the excise tax imposed by Part 14 of Division 2 of the Revenue and Taxation Code has not been paid, regardless of where found.

(c) Distilled spirits except (1) distilled spirits located upon premises for which licenses authorizing the sale of the distilled spirits have been issued; (2) distilled spirits consigned to and in the course of transportation to a licensee holding licenses authorizing the sale of the distilled spirits or for delivery without this State; (3) distilled spirits upon the sale of which the excise tax imposed by Part 14 of Division 2 of the Revenue and Taxation Code has been paid; (4) alcohol or distilled spirits in the possession of a person who has lawfully purchased it for use in the trades, professions, or industries and not for beverage use.

(d) Any alcoholic beverage possessed, kept, stored, or owned with the intent to sell it without a license in violation of this division.

SEC. 17. Section 25616 of said code is amended to read:

False license fee report, etc

25616. Any person who knowingly or wilfully files a false license fee report with the department, and any person who refuses to permit the department or any of its representatives to make any inspection or examination for which provision is made in this division, or who fails to keep books of account as prescribed by the department, or who fails to preserve such books for the inspection of the department for such time as the department deems necessary, or who alters, cancels, or obliterates entries in such books of account for the purpose of falsifying the records of sales of alcoholic beverages made under this division is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), or by imprisonment in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment.

SEC. 18. Section 25750 of said code is amended to read:

25750. The department shall make and prescribe such reasonable rules as may be necessary or proper to carry out the purposes and intent of Section 22 of Article XX of the Constitution and to enable it to exercise the powers and perform the duties conferred upon it by that section or by this division, not inconsistent with any of the provisions of any statute of this State, including particularly the provisions of this division and the provisions of Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code. Department's rule making powers

SEC. 19. Section 25751 of said code is amended to read:

25751. For the performance of its duties the department has the power conferred by Sections 11180 to 11191, inclusive, of the Government Code.

SEC. 20. Section 25752 of said code is amended to read:

25752. In addition to any other reports required under this division, the department may, by rule and otherwise, require additional, other, or supplemental reports from licensees, common and private carriers, and other persons and prescribe the form, including verification, of the information to be given on, and the times for filing of, such additional, other, or supplemental reports. The failure or refusal of any person to render the reports required under this section is a misdemeanor. Additional reports

SEC. 21. Section 25753 of said code is amended to read:

25753. The department may make any examination of the books and records of any licensee or other person and may visit and inspect the premises of any licensee it may deem necessary to perform its duties under this division. Examination and inspection

SEC. 22. Section 25759 of said code is amended to read:

25759. When license fees are required to be made on or by specified dates, they shall be deemed to have been made at the time they are filed with or paid to the department or other proper official or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment. When fees deemed paid

SEC. 23. Section 25760 of said code is amended to read:

25760. Notice of any act of the department required by this division to be given may be signed and given by the director or an authorized employee of the department and may be made personally or by mail. If made by mail, service shall be made in the manner prescribed by Section 1013 of the Code of Civil Procedure. In case of service by mail, the service is complete at the time of deposit in the United States Post Office. Service of notice

SEC. 24. Section 25761 of said code is amended to read:

25761. All money collected as license fees and under the excise tax provisions of this division or Part 14 of Division 2 of the Revenue and Taxation Code shall be deposited in the State Treasury to the credit of the Alcohol Beverage Control Fund, which fund is continued in existence. Disposition of taxes and fees

Appropriation

The money in the Alcohol Beverage Control Fund is appropriated as follows:

(a) All money collected from fees, except an amount equal to the amount by which the revenue produced by the rate of fees fixed by statute and board rule and in effect on and after July 1, 1954, and as thereafter modified, exceeds the revenue which would be produced by the rate of fees fixed by statute and board rule and in effect immediately prior to that date, and except amounts deposited in the fund pursuant to Section 23959, shall be paid semiannually to the counties, cities and counties, and cities of this State in the proportion that the amount of the fees collected in the particular county, city and county, or city bears to the total amount collected throughout the State. The Controller shall, during the months of April and October of the year, draw his warrants upon the fund in favor of the treasurer of each county, city and county, and city for the amount to which each is entitled under this section.

(b) Such amount as is necessary for the allowance of the refunds provided for in this division or Part 14 of Division 2 of the Revenue and Taxation Code.

(c) Any remaining balance shall be transferred to the General Fund on the order of the Controller.

(d) For the purposes of this section, 10 percent of each fee for an off-sale general license due and payable on and after July 1, 1955, shall be deemed to be the amount by which the revenue produced by such fee exceeds the revenue which would be produced by the rate of such fee fixed by statute and board rule and in effect immediately prior to July 1, 1954.

CHAPTER 1843

An act to renumber the heading of Article 1 of Chapter 3 of Division 3 of the Agricultural Code, to add Article 1 to Chapter 3 of Division 3, and to repeal Section 320, of the Agricultural Code, relating to poultry and rabbit slaughtering plants.

In effect September 7, 1955

[Approved by Governor July 8, 1955. Filed with Secretary of State July 11, 1955.]

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

SECTION 1. The heading of Article 1 of Chapter 3 of Division 3 of the Agricultural Code is renumbered to read:

Article 3. Sale and Possession of Poultry

SEC. 2. Article 1 is added to Chapter 3 of Division 3 of said code, to read:

Article 1. Poultry Plant Sanitation

Definitions

375.1. As used in this article

(a) "Poultry" means domesticated fowl and domesticated rabbit to be used for human food. Fowl shall include chickens, turkeys, ducks, geese and other domesticated birds.

(b) "Poultry plant" means (a) any place where poultry is slaughtered, dressed or drawn, or (b) any place, other than a retail store or eating place, where poultry meat is cut up, recut, packed or repacked.

(c) "Sanitary" means free from unnecessary dirt, filth, and contamination and free from any other substance or organism known to be injurious to human health.

(d) "Marked" means plainly, legibly and conspicuously labeled, stamped, tagged, stenciled or branded to show the name and address of the poultry plant where or the name and address of the distributor in California for whom the poultry meat was slaughtered, prepared, packed or repacked, cut up or recut or handled as set forth above.

(e) "Mislabel" means the placing, or presence of any false, deceptive or misleading mark, tag, brand, design, inscription, statement, billing, invoice, placard, sign or other descriptive designation.

Plant must be sanitary

375.2. No person shall operate a poultry plant which is not sanitary; or operate such plant in a manner or under conditions which are not sanitary.

License Application

375.3. (a) No person shall operate a poultry plant without having obtained a license as provided herein. Every person, before operating a poultry plant, shall file an application with the director for a license to operate such poultry plant, and such application shall be accompanied by the license application fee. The application shall be in such form as the director may prescribe.

Fee

(b) An application fee of forty dollars ($40) for a license for one year for each plant shall be paid to the director with each application for license, and license shall be issued by the director for a period of one year from the last day of the month in which issued.

Renewal

(c) Every person holding a license for a poultry plant shall file an application at least 30 days prior to the expiration of such license.

Approval of plans and specifications

(d) Plans and specifications for any intended construction or major reconstruction of a poultry plant shall be submitted to the director and shall be approved or disapproved by the director within 30 days.

Containers

375.4. No poultry meat shall be packed, repacked, cut up, recut, offered for sale or sold unless each container is marked, or the poultry meat, or parts thereof, is in a closed container which is marked in accordance with the provisions of this article.

Rules and regulations

375.5. (a) The director shall, in accordance with Chapter 4, Part 1, Division 3 of Title 2 of the Government Code, promulgate and adopt regulations for carrying out the provisions of this article.

(b) No regulation requiring alterations in plants or changes in equipment shall be effective until six months after date of notice to licensees.

(c) The director shall furnish to each person holding a license, or making application therefor, a copy of the regulations provided for herein.

Exemptions

375.6. This article does not apply to:

(a) A poultry plant operating under the sanitary regulations of the Agricultural Marketing Service of the United States Department of Agriculture.

(b) Poultry meat bearing the official mark of a city, county or state poultry plant inspection service for sanitation outside of the State which has requirements equal to those herein when approved by the director, providing that if any packing, repacking, cutting up or recutting is done in California it must be in a poultry plant licensed as provided herein.

(c) A poultry plant where poultry which is slaughtered on the premises where produced and which poultry (1) is sold by the producer at retail on such premises, or (2) is sold by the producer off of such premises to retailers or public eating houses or to retail purchasers for consumption in the homes of such purchasers; provided, however, that this exemption shall not apply to poultry produced by any producer engaged in the commercial production of poultry to the extent that such production involves the principal portion of the duties of any employee of the producer, other than a member of his immediate family.

Penalty

375.7. (a) Any person who violates any provisions of this article, or operates a poultry plant without a license, or who mislabels poultry meat is guilty of a misdemeanor punishable by a fine of five hundred dollars ($500).

Injunction

(b) The director may bring an action to enjoin the violation or threatened violation of any provision of this article or the regulations thereunder in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

Operative date

375.8. The provisions of this article shall not become operative until July 1, 1956.

Repeal

SEC. 3. Section 320 of said code is repealed.

CHAPTER 1844

An act to add Article 2 to Chapter 3 of Division 3 of the Agricultural Code, relating to poultry and rabbits.

[Approved by Governor July 8, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

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

SECTION 1. Article 2 is added to Chapter 3 of Division 3 of the Agricultural Code, to read:

Article 2. Poultry Meat Inspection for Wholesomeness

Definitions

377.1. As used in this article:

(a) "Poultry" means domesticated fowl and domesticated rabbit to be used for human food. "Fowl" includes chickens, turkeys, ducks, geese, and other domesticated birds.

(b) "Poultry meat" means the carcass of poultry or any part thereof.

(c) "Poultry plant" means (1) any place where poultry is slaughtered, dressed or drawn, or (2) any place where poultry meat is cut up, recut, packed or repacked other than a retail store or eating place.

(d) "Poultry meat inspector" means a person who after examination and demonstration has been issued a license by the director to inspect poultry meat for wholesomeness.

(e) "Wholesome" means that the poultry or poultry meat is free from:

(1) Physical evidence of disease injurious to human health;

(2) Pathological conditions which has rendered or would render the poultry meat unsuited for human food;

(3) Serious destruction of the flesh by disease or injury; or

(4) Contamination by any substance injurious to human health.

(f) "Marked" means plainly, legibly and conspicuously labeled, stamped, tagged, stenciled, or branded in accordance with this article and regulations thereunder.

(g) "Mislabel" means the placing, or presence of any false, deceptive or misleading mark, tag, brand, design, inscription, statement, billing, invoice, placard, sign or other descriptive designation.

(h) "Regulations" means regulations of the director for carrying out the provisions of this article.

Inspection

377.2. (a) No person shall operate a poultry plant unless all poultry meat in said plant is inspected by a poultry meat inspector in accordance with regulations.

(b) The poultry meat inspector shall inspect and class all poultry meat presented for inspection in one of the following classes:

(1) Wholesome;

(2) Retained for further inspection; or

(3) Condemned for human food.

The inspector shall apply or direct the application of the proper marks as determined by regulation.

Disposition of condemned meat

(c) All poultry meat condemned for human food shall be disposed of in accordance with the regulations.

Further processing

(d) Poultry meat may be passed for further processing which shall be in a plant licensed under this chapter.

Poultry meat inspector License

377.3. (a) No person shall act as a poultry meat inspector without having obtained a license as provided in this article. Every person before acting as a poultry meat inspector shall apply to and receive from the director a license to inspect poultry meat. The application fee shall be ten dollars ($10).

Fee

Examination

(b) The director shall, after written and oral examination and demonstration, issue to persons who pass and are otherwise qualified, licenses to inspect poultry meat for wholesomeness.

Schools of instruction

(c) The director shall, forthwith after the passage of this article and from time to time, arrange for conducting schools of instruction for poultry meat inspectors.

Marking of containers, etc

377.4. (a) No poultry meat shall be packed, repacked, cut up, recut, offered for sale or sold unless each carcass or closed container thereof is marked as provided in this article.

(b) A poultry meat inspector shall place or cause to be placed a mark on each carcass or closed container of poultry meat before the poultry meat is removed from a poultry plant.

(c) The marks required hereunder shall be in addition to those required by Section 375.4 but may be in combination therewith.

(d) The director shall determine by regulation the official design of the marks required hereunder. Each poultry plant shall submit samples of the proposed method of use of the design to the director which method must be approved by the director before use.

Rules and regulations

377.5. (a) The director shall in accordance with Chapter 5, Part 1, Division 3, Title 2 of the Government Code promulgate and adopt rules and regulations for carrying out the provisions of this article.

(b) The director shall furnish to each person holding a license hereunder or making application therefor a copy of the regulations.

Exemptions

377.6. This article does not apply to:

(a) Poultry meat which has been inspected and passed for wholesomeness by the Poultry Division of the Agricultural Marketing Service of the United States Department of Agriculture, and the container of which bears the official mark of said division.

(b) Poultry meat bearing the official mark of a city, county, or state poultry meat inspection service for wholesomeness in another state which has requirements equal to those provided for in this article, when such out-of-state requirements have been approved by the director.

(c) Poultry meat which is slaughtered on the premises where produced and which poultry meat (1) is sold by the producer at retail on such premises, or (2) is sold by the pro-

ducer off of such premises to retailers or public eating houses or to retail purchasers for consumption in the homes of such purchasers; provided, however, that this exemption shall not apply to poultry produced by any producer engaged in the commercial production of poultry to the extent that such production involves the principal portion of the duties of any employee of the producer, other than a member of his immediate family.

Suspension or revocation of licenses

377.7. (a) The director may after hearing suspend or revoke any license issued under this article for any violation of or failure to comply with the provisions of this article or the regulations thereunder. The director may suspend temporarily, pending hearing, any license for wilful or deliberate violation. Any proceedings under this section shall be conducted in accordance with Chapter 5, Part 1, Division 3 of Title 2 of the Government Code.

Penalty

(b) Any person who violates any provision of this article, or of the regulations made under this article, is guilty of a misdemeanor.

Injunction

(c) The director may bring an action to enjoin the violation or threatened violation of any provision of this article or the regulations thereunder in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

Operative date

377.8. The provisions of this article shall not become operative until July 1, 1956.

CHAPTER 1845

An act providing for an investigation and study of the feasibility of financing and constructing a toll bridge, toll tube, or other toll highway crossing across San Francisco Bay from San Francisco to the Tiburon Peninsula in Marin County by way of Angel Island, and the inclusion of rapid transit facilities thereon, including necessary surveys, plans, estimates of costs, and preliminary engineering, and making an appropriation therefor.

I object to the item of appropriation in Section 2 of Senate Bill No 1984, and I reduce the amount of said appropriation to $50,000 With this reduction I approve the bill.

GOODWIN J KNIGHT
Governor

[Approved by Governor July 8, 1955 Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

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

Investigation and study

SECTION 1. The Department of Public Works is hereby authorized and directed to investigate and study the feasibility of financing and constructing, pursuant to the California Toll

Bridge Authority Act, a toll bridge, toll tube, or other toll highway crossing across San Francisco Bay from a point between the Ferry Building and Van Ness Avenue in the City and County of San Francisco and a point on Angel Island and thence to the Tiburon Peninsula in Marin County. In making such investigation and study, the department shall prepare such surveys, plans, and estimates of costs, and shall conduct such preliminary engineering, as may be necessary or convenient. The department shall include in such investigation and study, an investigation and study as to the feasibility of the financing and construction of rapid transit facilities in connection with the toll bridge, tube, or other highway crossing.

Surveys, plans, etc

Rapid transit facilities

Appropriation

SEC. 2. The sum of one hundred fifty thousand dollars ($150,000), or so much thereof as may be necessary, is hereby appropriated out of the General Fund in the State Treasury to the Department of Public Works to carry out the investigation and study required by Section 1 of this act. The California Toll Bridge Authority shall return said appropriation, or so much thereof as may be used, together 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 General Fund in the State Treasury from the proceeds of the first sale of revenue bonds issued for the construction of the toll bridge, toll tube, or other toll highway crossing described in Section 1 of this act under the provisions of the California Toll Bridge Authority Act.

Return from bond proceeds

CHAPTER 1846

An act to add Chapter 11 to Division 10 of the Education Code, relating to the granting of scholarships to students enrolled in institutions of higher learning and making an appropriation therefor.

In effect September 7, 1955

[Approved by Governor July 8, 1955. Filed with Secretary of State July 11, 1955.]

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

SECTION 1. Chapter 11 is added to Division 10 of the Education Code, to read:

CHAPTER 11. COMPETITIVE SCHOLARSHIPS

Competitive scholarships

21700. There are hereby created state competitive scholarships which shall be maintained by the State and awarded and administered pursuant to this chapter, and used by the award winner for undergraduate higher education study.

Discrimination prohibited

21701. State competitive scholarships shall be awarded without regard to race, religion, creed, or sex.

Qualifications

21702. No person shall be awarded a scholarship unless:
(a) He is a resident of California.
(b) He has not attained his twenty-fourth birthday.
(c) He has graduated from high school.
(d) He has demonstrated his financial need for such scholarship. The financial status of his parents shall be taken into consideration in determining his financial need.
(e) He has demonstrated high moral character, good citizenship, and dedication to American ideals.
(f) He has applied for a state competitive scholarship and has, by competitive examination, been determined to be eligible for such scholarship.
(g) He has complied with all of the rules and regulations adopted by the State Scholarship Commission for the award, regulation, and administration of state competitive scholarships adopted pursuant to this chapter.

Number of scholarships

21703. There shall be available two such scholarships for each senatorial and assembly district and 400 scholarships at large throughout the State for the Fiscal Year 1956-57; four such scholarships for each senatorial and assembly district and 800 scholarships at large throughout the State for the Fiscal Year 1957-58; six such scholarships for each senatorial and assembly district and 1,200 scholarships at large throughout the State for the Fiscal Year 1958-59; and eight such scholarships for each senatorial and assembly district and 1,600 scholarships at large throughout the State for the Fiscal Year 1959-60, and for each fiscal year thereafter.

Institutions

21704. A scholarship award winner may use his scholarship at any one of the institutions of collegiate grade located in California if such institution offers a two-year junior college or four-year college course and is accredited by the Western College Association. Nothing contained in this chapter shall be interpreted to require any such institution to admit into such institution, or once admitted to continue in such institution, an award winner.

State Scholarship Commission

21705. There is hereby created the State Scholarship Commission, consisting of nine members, to be appointed by the Governor.

Membership

21706. The membership of the commission shall be as follows:
(a) Three representatives of private institutions of collegiate grade located in California;
(b) One representative of the University of California;
(c) One representative of state colleges located in California;
(d) One representative of public junior colleges located in California;
(e) Three representatives who shall be lay citizens of California, one of whom shall be a member of the governing board of a school district.

There shall not at any time be two or more persons serving as members of the commission who are professionally affiliated with, or hold a baccalaureate degree from, or are employed by, or serve as a member of the governing board of, the same institution of collegiate grade located in California.

Terms of office

21707. The terms of office of such members shall be four years, except as otherwise provided, and they shall hold office until appointment and qualification of their successors. The terms of the first members of the commission shall be fixed by the Governor and in such manner as will provide for the expiration each year of the terms of, as nearly as possible, one-fourth of the members.

Vacancies

21708. Any vacancy shall be filled by the Governor by the appointment of a person who will have the same status as the predecessor of the appointee. The appointee shall hold office only for the balance of the unexpired term.

Chairman

21709. The members of the commission shall select a chairman from the members of the commission at its first meeting and at any subsequent meeting which is the first meeting held after there has been a change in membership.

Meetings

The commission shall meet at least once each year and shall meet at such other times as the chairman may designate by 10 days written notice.

Duration and value of scholarships

21710. Each competitive scholarship is for the period of one academic year and the award shall be for six hundred dollars ($600) or an amount equal to the tuition or necessary fees, or both tuition and fees, for the academic year, excluding summer sessions, of the institution at which the scholarship is used, whichever is the smaller amount. The State Scholarship Commission may provide by appropriate rules and regulations for such reports, accounting, and statements from the award winner and college or university of attendance pertaining to the use or application of the award as it may deem proper. A competitive scholarship may be renewed annually without an additional competitive examination until the award winner has received four annual awards or until he has been graduated from such an institution in an undergraduate course. The scholarship shall remain in effect only during the period that the award winner achieves satisfactory academic progress and is regularly enrolled as a full-time student in an institution of collegiate grade, as described in Section 21704.

Reports, accounting, etc

Renewal

Continuance

Annual examinations, etc

21712. The State Scholarship Commission shall conduct annual competitive examinations among fully qualified applicants for state competitive scholarships or the commission may require all applicants to take the scholastic aptitude test of the College Entrance Examination Board. On the basis of the results of such examinations, or either of them, the commission shall determine the award winners for the next ensuing academic year. Such commission also shall determine which of the current award winners are making satisfactory academic progress and are entitled to an annual renewal of their scholarships.

21713. The State Scholarship Commission from time to time shall adopt such rules and regulations as it may determine, not in conflict with this chapter, as may be necessary or appropriate for effectuating the provisions of this chapter. The State Scholarship Commission shall not award a scholarship to any applicant whose record in the competitive examination does not meet the standards set, even though scholarships may remain unawarded. Rules and regulations

21714. The Legislature hereby declares that it regards the collegiate education of its qualified citizens to be a public purpose of great importance; and further declares the establishment of competitive scholarships pursuant to this chapter to be a desirable and economical method of furthering this public purpose. The Legislature has come to the conclusion that the benefit to the State in assuring the development of the talents of its qualified citizens will bring tangible benefits to the State in the future. Legislative declaration

The Legislature further declares that there is an urgent need at present for the establishment of a state scholarship program, and that the most efficient and economical way to meet this need is through the plan prescribed in this chapter.

The Legislature further declares that it does not intend that this chapter be construed as granting any present or future right to the Legislature, or any other instrumentality of the State, to control or influence the policies of any educational institution involved in the state scholarship program.

21715. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The Legislature hereby declares that it would have passed this chapter, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional. Severability

21716. The provisions of this chapter shall remain in effect until the ninety-first day after the final adjournment of the 1959 Regular Session of the Legislature, and thereafter shall have no further force or effect. Termination date

SEC. 2. This act shall be known as the Hegland, Shell, Donahoe, and Donald Doyle Act. Short title

SEC. 3. The sum of three hundred thousand dollars ($300,000) is hereby appropriated from the General Fund to the State Scholarship Commission for the purpose of providing scholarship awards. An additional sum of fifteen thousand dollars ($15,000) is hereby appropriated from the General Fund to the State Scholarship Commission which sum may be expended for the expenses of the commission in administering Chapter 11, Division 10 of the Education Code. Appropriation

CHAPTER 1847

An act to add Article 2 to Chapter 4, Division 4, Title 4, of the Government Code, relating to the issuance of limited obligation bonds, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 8, 1955. Filed with Secretary of State July 11, 1955.]

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

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

Article 2. Limited Obligation Bonds

"City"

43648. City, as used in this article, shall mean an incorporated city having a population of 4,000 or less, which population is not more than one-seventh the total population of the city and the unincorporated urban areas within three miles of its boundaries. The findings of the legislative body as to such population, made after notice and public hearing, shall be conclusive.

Notice of hearing

43649. Notice of the hearing shall state the purpose for which the hearing is to be held and refer to this article. The notice shall be published twice in a newspaper of general circulation printed and published in the city, the first of which shall be at least ten (10) days before the day set therefor.

Limited obligation bonds

43650. Limited obligation bonds are bonds which are to be paid solely from sales and use taxes imposed and to be imposed and collected by the city, herein called revenues.

Contents of proposition

43651. The proposition for the issuance of such bonds shall state that they are limited obligation bonds and to be paid solely from the revenues.

Applicable laws

43652. Such bonds shall be authorized and issued in the manner provided in the applicable provisions of Article 1 of this chapter, as now or hereafter provided, excepting Sections 43619, 43620, 43632, 43633 and 43634 thereof.

Purposes of bonds

43652.1. Such bonds may be issued for the installation, construction or improving of any or all works or improvements mentioned in the Improvement Act of 1911 and the acquisition of lands and easements therefor, excepting those mentioned in subdivisions (h), (i) and (*l*).

Determination of amount

43653. In determining the amount of bonds to be issued, the legislative body may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the improvements.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of said limited obligation bonds, bond reserve funds and working

capital and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

Contents of bonds and resolution

43654. The bonds and the resolution providing for their issuance shall state that they are limited obligation bonds payable solely from the revenues.

Term and amount of bonds

43654.1. The term of bonds issued shall not exceed 31 years. The outstanding bonds shall not at any one time exceed an amount for which the average annual installments of principal and interest will exceed 66⅔ percent of the net revenues to be derived from the imposition of sales taxes at the rate established at the time of calling the election at which the proposition of authorizing their issuance is submitted, as determined by an independent audit and report made by a certified public accountant.

Sale price

43655. The bonds shall be sold as the legislative body shall determine but for not less than a price which will produce a net interest cost that will not exceed an average of six percent (6%) a year as determined by standard tables of bond values.

Bonds are special obligations of city

43656. The bonds are special obligations of the city and shall be a charge against and are secured by a lien upon and shall be payable, as to the principal thereof and interest thereon, and any premiums upon the redemption thereof, solely from the revenues and such funds as are described in the resolution authorizing the issuance of the bonds.

Pledge, assignment, etc

43657. By resolution, the legislative body may pledge, place a charge upon, and assign all or any part of the revenues for the security of the bonds.

Lien

43658. The payment of interest on and principal of the bonds and any premiums upon the redemption of any thereof are secured by an exclusive pledge, charge, and lien upon all of the revenues.

Trust fund

43659. The revenues and any interest earned on the revenues constitute a trust fund for the security and payment of the interest on and principal of the bonds.

Use of revenues and interest

43660. So long as any bonds or interest thereon are unpaid following their maturity, the revenues and interest thereon shall not be used for any other purpose.

43661. If the interest and principal of the bonds and all charges to protect or secure them are paid when due, an amount or amounts for other purposes may be apportioned from the revenues.

Bonds of same issue equally secured

43662. Bonds of the same issue shall be equally secured by a pledge, charge, and lien upon the revenues specified in the resolution authorizing the issuance of the bonds, without priority for number, date of bonds, of sale, of execution, or of delivery pursuant to this chapter and the resolution authorizing the issuance of the bonds; except that any city may authorize the issuance of bonds of different series and may provide that the bonds in any series shall, to the extent and in the manner

prescribed in the resolution, be subordinated and be junior in standing, with respect to the payment of principal and interest and the security thereof, to such other bonds as may be specified in the resolution.

City general fund, etc., not liable

43663. The general fund of the city is not liable for the payment of the bonds or their interest.

43664. The general credit or taxing power of the city, other than the sales and use tax herein provided, is not liable for the payment of the bonds or their interest.

Restrictions on bondholders

43665. The holder of the bonds or coupons shall not compel the exercise of the taxing power by the city, other than the sales and use tax herein provided, or the forfeiture of its property.

Bonds not debt of city

43666. The principal of and interest on the bonds and any premiums upon the redemption of any thereof are not a debt of the city, nor a legal or equitable pledge, charge, lien, or encumbrance, upon any of its property, or upon any of its income, receipts, or revenues except the revenues that may be legally applied, pledged, or otherwise made available to their payment.

43667. Every bond shall recite in substance that the principal of and interest on the bond are payable solely from the revenues pledged to its payment and that the city is not obligated to pay it except from the revenues.

Bonds tax exempt

43668. The bonds and interest or income from the bonds are exempt from taxation in this State, except from gift, inheritance, and estate taxes.

Contents of bonds

43669. In the resolution authorizing the bonds, the legislative body may insert any of the provisions authorized by this article, which shall become a part of the contract with the bondholders.

Limitations may be imposed

43670. The legislative body may provide limitations on:

(a) The purpose to which the proceeds of sale of any issue of bonds may be applied.

(b) The issuance of additional bonds for the same purpose and on the lien of additional bonds.

Provision for default, waiver, etc

43671. The legislative body may provide for events of default and terms upon which the bonds may be declared due before maturity and the terms upon which the declaration and its consequences may be waived.

Effect of breach by city

43672. The legislative body may provide for the rights, liabilities, powers, and duties arising upon the city's breach of any covenants, conditions, or obligations.

Trustee

43673. The legislative body may provide for the vesting in a trustee of the right to enforce covenants to secure payment of or in relation to the bonds and the trustee's powers and duties, and the limitation of his liabilities.

Enforcement by bondholders

43674. The legislative body may provide for the terms upon which the bondholders or any percentage of them may enforce covenants or duties imposed by this article.

Amendment or abrogation of terms of resolution

43675. The legislative body may provide in the resolution for a procedure for amending or abrogating the terms of the resolution with the consent of the holders of a specified number of the bonds.

Consent of bondholders

43676. Any resolution containing such a procedure may also provide for meetings of bondholders or for their written assent without a meeting and the manner of consenting, with or without a meeting.

Effect of amendment

43677. The resolution shall specifically state the effect of amendment upon the rights of the holders of all of the bonds and attached or detached interest coupons and shall be binding upon the holders of all of the bonds and coupons issued pursuant to the resolution.

Other acts

43678. The legislative body may provide for any other acts and things necessary, convenient or desirable to secure the bonds or tending to make them more marketable.

Payment of bonds

43679. The city shall pay or cause to be paid the principal and interest of the bonds on the date, at the place, and in the manner mentioned in the bonds and coupons and in accordance with the resolution authorizing their issuance.

Taxes

43680. During the period that any of said bonds and the interest thereon are unpaid, the legislative body shall prescribe, revise and collect taxes in the manner provided by the city sales and use tax ordinance.

43681. After making allowances for contingencies and error in the estimates, the taxes, for the respective purposes hereinafter set forth, shall be at least sufficient to pay the following amounts in the order set forth:

(a) All costs of regulation for which any such tax is levied and all costs of levying and collecting such taxes for regulation and for revenue.

(b) The interest on and principal of the bonds as they become due and payable.

(c) All payments required for compliance with the resolution authorizing the issuance of the bonds or any other contract with the bondholders, including the creation of sinking and reserve funds.

(d) All payments to meet any other obligations of the city which are charges, liens, or encumbrances upon the revenues.

Special fund

43682. A separate, distinct and special fund shall be created at or before the issuance of the bonds, which shall be maintained continuously during the time that any of the bonds or the interest thereon are outstanding and unpaid.

43683. All revenues shall be deposited in said special fund and payments shall be made therefrom as provided in Section 43681.

Protection of bondholders by city

43684. The city shall preserve and protect the security of the bonds and the rights of the bondholders and warrant and defend their rights against all claims and demands of all persons.

Payment of claims for labor, etc

43685. In order to fully preserve and protect the priority and security of the bonds the city shall pay and discharge all lawful claims for labor, materials and supplies, which if unpaid may become a lien or charge upon the revenues prior or superior to the lien of the bonds or impair the security of the bonds.

Revenues to be held in trust

43686. The city shall hold in trust the revenues pledged to the payment of the principal of and interest on the bonds for the benefit of the bondholders and shall apply the same pursuant to the resolution authorizing the issuance of the bonds or to the resolution as modified.

Investments

43687. The city may invest funds held in reserve, or in any sinking fund, or funds not required for immediate disbursement, in property or securities in which cities may legally invest funds subject to their control. No such investment shall be made in contravention of any covenant or agreement in any resolution authorizing the issuance of any outstanding bonds.

Records

43688. The city shall keep proper books of record and accounts of the revenues, separate from all other records and accounts, in which complete and correct entries shall be made of all transactions relating to the revenues.

Inspection by bondholders

43689. At all times the books shall be subject to the inspection of the holders of not less than 10 percent of the outstanding bonds or their representatives authorized in writing.

Summary statement

43690. The city shall cause to be published a summary statement showing the amount of revenues collected which are required as security for payment of the principal of and interest on the bonds, the disbursements from such revenues in reasonable detail, and a general financial statement.

Annual publication

43691. The statement shall be published annually, not more than 120 days after the close of each fiscal year. The city shall furnish a copy of the statement to any bondholder upon request.

Preparation and auditing

43692. In the resolution authorizing the bonds, the city may agree that the statement shall be prepared or audited by an independent certified public accountant and shall be in the form and contain the detail specified in the resolution.

Only bond revenues need be used

43693. The duties set forth in this article do not require the city to expend any funds other than revenues pledged to secure payment of the principal of or interest on bonds as provided in this article.

Fiscal or paying agent

43694. A fiscal or paying agent may be appointed as now or hereafter provided in Sections 54550-54552 of this code.

Validating procedure

43695. A validating proceeding may be conducted as now or hereafter provided in Sections 54580-54586 of this code.

Remedies of bondholders

43696. Bondholders shall have the remedies as now or hereafter provided in Sections 54640-54649 of this code.

Refunding of bonds

43697. The bonds may be refunded in the manner now or hereafter provided in Sections 54660-54662 of this code.

43698. Without the issuance of bonds hereunder, a pledge or allocation from revenues for the payment of bonds and interest issued or to be issued under any other law, may be made upon the approval thereof in the manner provided for the issuance of bonds hereunder. Payment of other bonds

43699. All bonds issued in pursuance of the provisions of this article shall by their issuance be conclusive evidence of the regularity, validity and legal sufficiency of all proceedings, acts and determinations in any wise pertaining thereto, had or made hereunder, and after the same have been issued no sales tax levied or collected for the purpose of paying the principal or interest on said bonds shall be held to be invalid or illegal, or set aside by reason of any error, informality, irregularity, omission or defect in any of the proceedings, acts or determinations in any wise pertaining to the issuance or payment of said bonds, and not amounting to a want of due process of law under the Constitution. Validity, etc., of proceedings. Bonds conclusive evidence

43700. All bonds by their issuance in pursuance of the provisions of this article shall by their issuance be conclusive evidence of the regularity, validity and sufficiency of all proceedings, acts and determinations in any wise pertaining thereto, had or made hereunder.

43701. Any action, suit or proceeding of any kind or nature in which the validity of any of the proceedings taken under the provisions of this article is questioned or attacked, shall be filed within thirty (30) days after the day of the adoption of the resolution providing for the issuance of the bonds and in case such action is not brought raising such issue within said period, then thereafter all persons whatsoever shall be barred in any action, suit or proceeding from pleading, asserting or claiming that any of the proceedings or other actions herein specified, were defective, faulty or invalid in any respect. Actions, suits, etc

43702. This article and all of its provisions shall be liberally construed to the end that the purposes hereof may be effective. If any section, subsection, sentence, clause or phrase of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this article. It is hereby declared that this article would have been passed irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional. Liberal construction. Severability

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 take effect immediately. The facts constituting such necessity are: Urgency

There is presently an unprecedented population growth under way within the State and the cities therein. In many cities this growth has caused the facilities within the commercial area of a city to be taxed beyond the general financial means of the city or for which no general benefit exists beyond

the commercial area therein. The proceeds of sales taxes are derived from the sale of merchandise within such commercial areas and constitute an appropriate means of revenue for relieving the conditions existing within said commercial areas.

Other improvements required by reason of said growth are of a more general benefit. However, by reason of said unprecedented growth, property taxes have seriously increased and it is required that other sources of revenue be provided to pay the costs of needed improvements.

CHAPTER 1848

An act to amend Section 24049 of the Business and Professions Code, relating to alcoholic beverages.

In effect September 7, 1955

[Approved by Governor July 8, 1955 Filed with Secretary of State July 11, 1955]

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

SECTION 1. Section 24049 of the Business and Professions Code is amended to read:

24049. The department may refuse the renewal or transfer of any license when the applicant is delinquent in the payment of any taxes due under this division or under the Sales and Use Tax Law, or any amounts due under the Unemployment Insurance Code, the Personal Income Tax Law, or the Bank and Corporation Tax Law.

CHAPTER 1849

An act to amend the heading of Article 1 of Chapter 8, to amend the heading of Chapter 8, and to add Article 2 to Chapter 8, of Division 5 of the Agricultural Code, relating to poultry and rabbit meat.

In effect September 7, 1955

[Approved by Governor July 8, 1955 Filed with Secretary of State July 11, 1955.]

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

SECTION 1. The heading of Chapter 8, Division 5 of the Agricultural Code is amended to read:

CHAPTER 8. POULTRY AND RABBIT MEAT, EGGS, AND EGG PRODUCTS

SEC. 2. The heading of Article 1, Chapter 8, Division 5 of said code is amended to read:

Article 1. Egg Standards

SEC. 3. Article 2 is added to Chapter 8, Division 5 of the Agricultural Code, to read:

Article 2. Poultry and Rabbit Meat Classes

Definitions

1111. As used in this article:

(a) "Poultry" means domesticated fowl and domesticated rabbit to be used for human food. Fowl shall include chickens, turkeys, ducks, geese and other domesticated birds.

(b) "Poultry meat" means the carcass of poultry or any part thereof, but shall not include live poultry or processed poultry meat.

(c) "Poultry plant" means any place where poultry is slaughtered, dressed or drawn, or any place where poultry meat is cut up, recut, packed or repacked.

(d) "Class" means a division of poultry meat based on essential physical characteristics which with the weights differentiate between uses of the meat.

(e) "Marked" means plainly, legibly, and conspicuously labeled, stamped, tagged, stenciled, or branded to show the class of poultry meat as prescribed by regulations.

(f) "Mislabel" means the placing, or presence of any false, deceptive or misleading mark, tag, brand, design, inscription, statement, billing, invoice, placard, sign or other descriptive designation.

(g) "Process" means the commercial manufacturing of products of poultry meat including deboning, skinning, cutting up into smaller pieces other than into chicken parts or cut up poultry meat, cooking, or placing in cans or other containers.

Classes of poultry meat

1112. As used in this article the classes of the kinds of poultry meat shall be:

(a) Chicken. The classes of chicken meat as determined by appearance and weight are:

(1) Chicken Fryer. Young chicken (usually under 16 weeks of age) of either sex that is tender meated, with soft, pliable, smooth-textured skin, and flexible breastbone cartilage, and which may be properly cooked by broiling or frying, and which weighs not over four pounds dressed weight or over three and one-half pounds ready-to-cook weight.

(2) Chicken Fryer Caponette. Fryers which have been treated with hormone stilbesterol or its equivalent, and which weigh not over four pounds dressed weight or over 3½ pounds ready-to-cook weight.

(3) Chicken Roaster. Young chicken (usually under eight months of age) of either sex that is tender meated, with soft pliable smooth-textured skin, and breastbone cartilage slightly less flexible than fryers and which may be properly cooked by roasting, and which weighs not over 3½ pounds dressed weight or over three pounds ready-to-cook weight.

(4) Chicken Roaster Caponette. Roasters which have been treated with the hormone stilbesterol or its equivalent.

(5) Chicken Capon. An unsexed male chicken (usually under 10 months of age) and that is tender meated with soft pliable smooth-textured skin and which may be properly cooked by roasting, and of any weight.

(6L) Light Chicken Hen (or Stewing Chicken). A mature female chicken (usually more than 10 months of age) with meat less tender than that of a roaster and with nonflexible breastbone cartilage, which may be properly cooked by stewing, and which weighs not over four pounds dressed weight or over 3½ pounds ready-to-cook.

(6H) Heavy Chicken Hen (or Stewing Chicken). A mature female chicken (usually more than 10 months of age) with meat less tender than that of a roaster and with nonflexible breastbone cartilage, which may be properly cooked by stewing, and which weighs not over four pounds dressed weight or over 3½ pounds ready-to-cook.

(7) Rooster. A mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone and which may be properly cooked by stewing and of any weight.

(b) Turkey. The classes of turkey meat as determined by appearance are:

(1) Turkey Fryer (or Roaster). Young, immature turkey (usually under 16 weeks of age) of either sex, that is tender meated with soft, pliable, smooth-textured skin, with flexible breastbone cartilage and which may be properly cooked by broiling or frying.

(2) Young Turkey Hen. A young female turkey (usually under eight months of age) that is tender meated with soft, pliable, smooth-textured skin and breastbone cartilage somewhat flexible.

(3) Young Tom Turkey. A young male turkey (usually under eight months of age) that is tender meated with soft, pliable, smooth-textured skin and breastbone cartilage somewhat flexible.

(4) Hen Turkey. A fully matured female turkey (usually over 10 months of age) less tender meated, with hardened breastbone, with coarser textured skin and patchy areas of surface fat.

(5) Tom Turkey. A mature male turkey (usually over 10 months of age) with more toughened flesh, coarse skin and hardened breastbone.

(c) Rabbits. The classes of rabbit meat as determined by appearance and weight are:

(1) Rabbit Fryer. Young, domestic rabbit (usually under 12 weeks of age) with tender, fine-grained, and bright pearly white color which may be properly cooked by broiling or frying and which weighs not less than 1½ pounds or over four pounds ready-to-cook weight.

(2) Rabbit Roaster. Domestic rabbit (usually over 12 weeks of age) which may be properly cooked by roasting, and which weighs not less than four pounds ready-to-cook weight.

(3) Stewing Rabbit. Mature lean domestic rabbit of either sex (over 12 weeks of age) which may be properly cooked by stewing and weighs over four pounds ready-to-cook weight.

(d) The director shall establish the definitions of classes for ducks and geese by regulations.

Classification of meat required

1113. No person shall pack, repack, cut up, recut, offer for sale or sell poultry meat unless all carcasses and the parts thereof are placed in classes as defined herein.

Marking of container

1114. No person shall pack, repack, cut up, recut, offer for sale or sell poultry meat unless each carcass or its wrapper or, in the case of cut-up poultry or poultry parts, the container is marked showing the class of poultry meat as prescribed by regulations.

Rules and regulations

1115. The director shall, in accordance with Chapter 5, Part 1, Division 3, of Title 2, of the Government Code, promulgate and adopt regulations for carrying out the provisions of this article.

Exemptions

1116. This article does not apply to:

(a) Poultry meat or the container thereof which is marked with the official class as prescribed by the Poultry Division of the Agricultural Marketing Service of the United States Department of Agriculture.

(b) Poultry meat marked as to class officially approved by an inspection service which has requirements equal to those hereof, when approved by the director.

(c) Poultry meat which is slaughtered on the premises where produced and which poultry meat (1) is sold by the producer at retail on such premises, or (2) is sold by the producer off of such premises to retailers or public eating houses or to retail purchasers for consumption in the homes of such purchasers; provided, however, that this exemption shall not apply to poultry produced by any producer engaged in the commercial production of poultry to the extent that such production involves the principal portion of the duties of any employee of the producer, other than a member of his immediate family.

Enforcement

1117. (a) The director shall enforce the provisions of this article where any poultry meat is packed, repacked, cut up or recut. The director and the commissioners of each county under the supervision of the director shall enforce the provisions of this article where any poultry meat is offered for sale or sold.

Penalty

(b) Any person who violates any provision of this article or any regulations adopted hereunder is guilty of a misdemeanor.

Operative date

1118. The provisions of this article shall not become operative until July 1, 1956.

CHAPTER 1850

An act to add Chapter 8 to Part 1 of Division 6 of the Public Resources Code, relating to the development of small craft harbors and waterways by the State Lands Commission, and making an appropriation.

I object to the item of appropriation in Section 1 of this bill, and in that part of the section which would add Section 6498 to the Public Resources Code, and I eliminate said appropriation. With this elimination I approve the bill.

GOODWIN J. KNIGHT
Governor

In effect September 7, 1955

[Approved by Governor July 8, 1955. Filed with Secretary of State July 11, 1955.]

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

SECTION 1. Chapter 8 is added to Part 1 of Division 6 of the Public Resources Code, to read:

CHAPTER 8. SMALL CRAFT HARBORS

Acquisition, etc by State Lands Commission

6475. The State Lands Commission is the agency of the State designated to, and shall have power to, acquire, construct, develop, improve, and maintain and operate small craft harbors, and facilities in connection therewith, along the coast of this State or on or adjacent to bays, inlets, or estuaries thereof, or on or adjacent to navigable bodies of water, after it has prepared and the Legislature has approved any of the master plans specified in Section 6476.

Master plans

6476. The commission shall prepare master plans by counties for the development and improvement of small craft harbors. In preparing such master plans the commission shall take into consideration, correlate, and coordinate, as nearly as feasible, such master plans of shore line development and improvement as have been or will be drawn up by the various counties of the State. The commission may alter, change, or amend master plans for development and improvement of small craft harbors but such alterations, changes or amendments shall be made in collaboration and cooperation with the appropriate authorities of the affected counties and cities. When completed the commission shall submit the master plan for any county to the Legislature for its consideration.

Acquisition of property

6477. For the purposes of this chapter, the commission may acquire by purchase or by condemnation proceedings brought in the name of the people, title to or any interest in real and personal property which the commission deems necessary or proper for the development or improvement of small craft harbors.

Development and maintenance of waterway routes

6478. The commission may develop and maintain waterway routes along the tidal and inland navigable waters of the State, for the purpose of navigation by small craft.

Cooperation with other agencies

6479. In the performance of its functions under this chapter, the commission may cooperate or contract with the State

Park Commission or any other state agency, the Corps of Engineers of the Department of the Army of the United States, or with any other federal agency, or with any county or city, upon such terms and conditions, and in such manner as will be for the best interests of the State and further the purposes of this chapter.

Rules and regulations

6480. The commission may establish rules and regulations relating to the operation and maintenance of small craft harbors under its jurisdiction. It may enter into contracts with county or city agencies, persons, firms, or corporations to maintain and operate small craft harbor facilities and concessions in connection with such small craft harbors.

Contracts

Acceptance of gifts, devises, etc

6491. For the purposes of this chapter, the commission may receive and accept for the State any gift, devise, grant, or other conveyance of title to or any interest in real property. It may receive and accept gifts, donations, contributions, or bequests of money to be used in acquiring title to or any interest in real property, or in improving it in connection with the development and operation of small craft harbors. It may also receive and accept personal property for such purposes.

Fees, rentals, etc

6492. The commission, wherever in its judgment it is practicable to do so, may collect fees, rentals, and other return for the use of any small craft harbor under its jurisdiction, the amounts to be determined by the commission, and to be paid into the Small Craft Harbor Revolving Fund.

Tide and submerged lands

6493. Any ungranted tidelands and submerged lands owned by the State and under the jurisdiction of the commission may be used by the commission for the purposes of this chapter.

Cooperation with local agencies

6494. The commission may cooperate with, advise, and assist local agencies in developing and operating small craft harbors on tide and submerged lands which have been granted to such agencies.

Use of appropriations

6495. Whenever the Legislature has appropriated money to be expended by the Department of Finance for the acquisition of a site and the development of a small craft harbor and recreation area, the State Lands Commission, in lieu of the Department of Finance, may expend for such purpose the money thereby appropriated and may enter into leases or agreements with a county, city, city and county or other political subdivision of the State for the development, operation and maintenance thereof by such county, city, city and county or other political subdivision. If the legislative appropriation contemplates that any such lease or agreement shall be entered into with a particular county, city, city and county or political subdivision, the lease or agreement shall be entered into with that local agency.

Leases and agreements

Contents

Such leases or agreements shall provide for a plan of development of the harbor and area, and may provide for the development, operation and maintenance thereof by the county, city, city and county or other political subdivision of the State for a term not to exceed 60 years. Such leases or

agreements may provide for cooperative agreements between the State, the local agency and the Federal Government for federal participation in the development of the harbor and area. Such leases or agreements may also authorize the local agency to grant concessions or subleases consistent with and in furtherance of the plan of development and the public use of the harbor and recreation area. The State Lands Commission may reserve the right to approve any such concessions or subleases.

If the appropriation requires payments to the State, then the lease or agreement shall provide for such payments plus any additional amount which may be required by the appropriation either by agreed upon rental payments or by payments from the revenues to be derived from the harbor and area. The intervals, amounts and method of payment shall be as mutually agreed upon by the State Lands Commission and the local contracting agency.

Legislative declaration

6496. The Legislature hereby finds and declares that the acquisition, development, maintenance and operation of small craft harbor and recreation areas is of state-wide interest and concern and the appropriation of state funds for the acquisition of a particular site for that purpose constitutes a determination of state-wide interest therein.

Approval of leases

6497. Any acquisition of real property and any lease or agreement entered into by the State Lands Commission pursuant to this chapter is subject to the approval of the Director of Finance.

Appropriation

6498. There is hereby appropriated from the State Lands Act Fund out of the remaining balance described in subdivision (c) of Section 6816 and prior to the transfer specified therein, the sum of twenty thousand dollars ($20,000) which shall be transferred to the Small Craft Harbors Revolving Fund which is hereby created. All money in the revolving fund is appropriated without regard to fiscal years to the State Lands Commission for its support in carrying out the provisions of this chapter.

CHAPTER 1851

An act to amend Sections 50, 51, 52, 54, 55, 56, and 1381 of, to add Sections 50.1, 50.2, 54.1, 59.6, 1380.1, and 1381.5 to, and to repeal Section 51.5 of, the Fish and Game Code, relating to licensed game bird clubs and domestic game breeding.

In effect September 7, 1955

[Approved by Governor July 8, 1955. Filed with Secretary of State July 11, 1955.]

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

SECTION 1. Section 50 of the Fish and Game Code is amended to read:

Licensed game bird clubs

50. In order to provide additional hunting by stocking domestically propagated pheasants, and to permit the taking of pheasants under conditions which will not conflict with the public interest, any person who owns or controls the shooting rights on a tract of land of not more than 2,500 acres may apply to the commission for a licensed game bird club license authorizing the killing by shooting only pheasants upon such land in accordance with the provisions of this chapter, and the rules and regulations thereon as may be prescribed by the commission, from time to time, for the administration of this chapter. Commercial licensed game bird clubs are clubs which are open to any member of the general public on a daily fee basis. If the license is issued for a commercial licensed game bird club, such club must be open to any licensed hunter on shooting days upon payment of such fee or charge as set forth in the application filed by the licensee with the Department of Fish and Game and the licensee shall on each such day allow at least one hunter for each 50 acres in the licensed game bird club; providing the number of birds remaining to be legally taken on such club is equal to or exceeds one legal limit for each permittee on such club. The licensee shall fix at least three shooting days per week including Saturday and Sunday. Private licensed game bird clubs are those clubs in which membership is restricted at the discretion of the operator. Private licensed game bird clubs shall not exceed 1,500 acres within the exterior boundaries of the licensed area. The commission shall prescribe rules and regulations for the conduct of hunters on such clubs in the interest of safety of hunters, to prevent wastage of game, and to promote orderly operation of the club. The application shall show the name and address of the applicant; whether the application is for a commercial or private license; the legal description of the tract of land, and description by exterior boundaries of the tract with reference insofar as possible to roads, rivers, railroads or natural boundaries; whether the applicant proposes to propagate and rear the birds to be released and if so the location or proposed location where the birds are to be propagated and reared; whether the applicant proposes to purchase birds for release; the fee to be charged on commercial clubs; and such other information as the commission may require. A hunter using any licensed game bird club must have a daily permit in his possession when hunting on such clubs.

Rules and regulations

Contents of application

SEC. 2. Section 50.1 is added to said code, to read:

Zones

50.1. For the proper administration of this chapter the State of California is divided into two zones which are designated as follows: Zone A shall consist of: Imperial-Coachella Valley (Imperial and Riverside Counties); Commencing at the California-Mexico international boundary at the common boundary of R. 16 E.-R. 17 E; thence north to the All-American Canal; thence southwesterly along the All-American Canal to the East Highline Canal; thence northerly and westerly along said canal to the boundary of T. 10 S., R. 13 E. and 14

Zone A

E.; thence north to Coachella Canal; thence northwesterly along said canal to the boundary of T. 7 S., R. 9 E. and 10 E.; thence north to the sea level contour; thence northwesterly and westerly along said contour around the Town of Indio; thence south and southeasterly along said contour to the California-Mexican border; thence easterly along said border to the point of beginning.

Bard-Winterhaven area (Imperial County); Commencing at the range line between 21 E. and 22 E. (Township 16 S.) northeasterly along the All-American Canal to Imperial Dam; thence across Imperial Dam to the common boundary of California and Arizona; thence southwesterly along said boundary to the range line between 21 E. and 22 E.; thence north following said range line to the point of beginning.

Palo Verde Valley (Riverside and Imperial Counties); Those portions of T. 8 S., R. 22 E., and R. 23 E.; T. 7 S., R. 23 E.; T. 6 S., R. 23 E.; and T. 5 S., R. 24 E.; and the SE. ¼ of T. 5 S., R. 23 E.; SE. ¼ of T. 6 S., R. 22 E.; all of T. 7 S., R. 22 E.; E. ½ of T. 7 S., R. 21 E.; and E. ½ of T. 8 S., R. 21 E. in eastern Riverside County; and those portions of the E. ½ of T. 9 S., R. 21 E., and T. 9 S., R. 22 E. in Imperial County.

Prado Basin (San Bernardino and Riverside Counties); All of T. 3 S., R. 7 W.; W. ½ of T. 3 S., R. 6 W.; SW. ¼ of T. 2 S., R. 6 W.; S. ½ of T. 2 S., R. 7 W.; SE. ¼ of T. 2 S., R. 8 W.

Owens Valley-Round Valley area (Inyo and Mono Counties); all of Township 6 S., R. 31 E.; and all of Owens Valley lying below the 4,500-foot contour northerly of the township line between T. 15 and 16 S.

Antelope Valley (Mono County); That portion of the SE. ¼ T. 10 N., R. 22 E. in Mono County; the E. ½ of T. 9 N., R. 22 E.; the E. ½ of T. 8 N., R. 22 E.; that portion of the W. ½ of T. 9 N., R. 23 E. in Mono County; the W. ½ of T. 8 N., R. 23 E.

Diamond Valley (Alpine County); That portion of the SE. ¼ of T. 12 N., R. 19 E. in Alpine County; the E. ½ of T. 11 N., R. 19 E.; that portion of T. 11 N., R. 20 E. in Alpine County; the N. ½ of T. 10 N., R. 20 E.

San Joaquin-Sacramento Valleys; Commencing at the junction of State Highway 41 and the common boundary between Kern and Kings County northerly on Highway 41 to Kettleman City; thence due west approximately two miles to the 500 feet contour; thence northerly and westerly along said contour to range line between 10 E. and 11 E.; thence north along said range line to the Delta-Mendota Canal; thence northerly and westerly along said canal to the crossing of the Southern Pacific Railroad tracks (about five miles south of Byron); thence northwesterly along said railroad to Martinez; thence across the straits to Benicia; thence northerly along State Highway 21 to Cordelia; thence northeasterly along U. S. Highway 40 to the range line between 1 W. and 2 W.; thence north along said range line to the township line between 9 N. and 10 N.; thence west along said township line to the range line between 3 W. and 4 W.; thence north along said range

line to the township line between 14 N. and 15 N.; thence west along said township line to the SW. corner of the E. ½ of T. 15 N., R. 4 W.; thence north along a line drawn to the NW. corner of the E. ½ of T. 20 N., R. 4 W.; thence east along the township line between 20 N. and 21 N. to the range line between R. 4 W. and R. 3 W.; thence north along said range line to the Southern Pacific Railroad tracks north of Red Bluff; thence in a northerly direction along said railroad tracks to the township line between T. 28 N. and T. 29 N.; thence west on said township line to the range line between R. 4 W. and R. 5 W.; thence north on said range line to the township line between T. 31 N. and T. 32 N.; thence east on said township line to the range line between R. 3 W. and R. 2 W.; thence south on said range line to U. S. Highway 99E (approximately SW. corner T. 27 N., R. 2 W.); thence southeasterly along 99E through Chico to Savona; thence southeasterly along the Oroville-Chico Highway to Oroville; thence southeasterly on the Oroville-Bangor Highway to Bangor on the section line between S. 27 and S. 28, T. 18 N., R. 5 E.; thence south on said section line to the township line between T. 18 N. and T. 17 N.; thence east on said township line to the range line between R. 5 E. and R. 6 E.; thence south on said range line to State Highway 20; thence easterly along said Highway 20 through Smartsville to the common boundary between Nevada and Yuba Counties; thence south along this boundary to Placer County; thence east along the common boundary of Nevada and Placer Counties to the range line between R. 6 E. and R. 7 E.; thence south along said range line to the township line between T. 11 N. and T. 10 N.; thence east along this township line to the common boundary between Placer and El Dorado Counties; thence south along said boundary to the common boundary between Sacramento and El Dorado Counties; thence southeasterly along said boundary between Sacramento and El Dorado Counties, Sacramento and Amador Counties, San Joaquin and Amador Counties, San Joaquin and Calaveras Counties, Stanislaus and Calaveras Counties, Stanislaus and Tuolumne Counties, Merced and Mariposa Counties, to Madera County; thence southwest on the common boundary of Merced and Madera Counties to the Madera Canal; thence southeasterly along said canal to Friant Dam; thence southeasterly along the Friant-Kern Canal to State Highway 65 (approximately one mile southeast of Strathmore); thence southerly along Highway 65 to the common boundary between Kings and Kern Counties; thence west along said boundary to point of beginning.

Humboldt Bay Area (Humboldt County); Commencing at False Cape northerly along ocean shore to Trinidad Head; thence southeasterly on a line drawn to the Town of Crannell; thence to Fieldbrook; thence to Korbel; thence to Freshwater; thence to Falk; thence to Fernbridge; thence to Carlotta; thence to Rio Dell; thence to False Cape the point of beginning.

Scott Valley (Siskiyou County); The SE. ¼ of T. 44 N., R. 10 W.; the S. ½ of T. 44 N., R. 9 W.; all of T. 43 N., R. 9 W.; the NE. ¼ of T. 43 N., R. 10 W.; all of T. 42 N., R. 9 W.; the E. ½ of T. 41 N., R. 9 W. This includes the Towns of Etna, Greenview, and Fort Jones.

Shasta Valley (Siskiyou County); The SW. ¼ of T. 46 N., R. 5 W.; the SE. ¼ of T. 46 N., R. 6 W.; the NW. ¼ of T. 45 N., R. 5 W.; the S. ½ of T. 45 N., R. 5 W.; all of T. 45 N., R. 6 W.; the E. ½ of T. 45 N., R. 7 W.; all of T. 44 N., R. 5 W., and all of T. 44 N., R. 6 W.; the NE. ¼ of T. 44 N., R. 7 W.; all of T. 43 N., R. 5 W., and all of T. 43 N., R. 6 W.; all of T. 42 N., R. 5 W.; the N. ½ of T. 42 N., R. 6 W. This includes the Towns of Edgewood, Gazelle, Yreka, and Montague.

Tulelake Area (Siskiyou and Modoc Counties); Commencing at the intersection of the Mt. Diablo Meridian with the Oregon-California state line; thence easterly along said state line to the range line between R. 6 E. and R. 7 E.; thence southerly along said range line to the township line between T. 45 N. and T. 46 N.; thence westerly along said township line to the Mt. Diablo Meridian; thence north along the Mt. Diablo Meridian to the point of beginning.

Pit River Valley (Modoc and Lassen Counties); The W. ½ of T. 45 N., R. 14 E.; all of T. 45 N., R. 13 E.; the W. ½ of T. 44 N., R. 14 E.; all of T. 44 N., R. 13 E.; the S. ½ of T. 44 N., R. 12 E.; the E. ½ of T. 44 N., R. 11 E.; all of T. 43 N., R. 13 E.; all of T. 43 N., R. 12 E.; all of T. 42 N., R. 13 E.; all of T. 42 N., R. 12 E., and all of T. 42 N., R. 11 E.; the S. ½ of T. 42 N., R. 10 E.; the SE. ¼ of T. 42 N., R. 9 E.; all of T. 41 N., R. 13 E., all of T. 41 N., R. 12 E., and of T. 41 N., R. 11 E.; the N. ½ of T. 41 N., R. 10 E.; the NE. ¼ of T. 41 N., R. 9 E.; all of T. 40 N., R. 13 E.; the E. ½ of T. 40 N., R. 12 E.; all of T. 39 N., R. 13 E.; the E. ½ of T. 39 N., R. 12 E. This includes the Towns of Canby, Alturas, Davis Creek, and Likely.

Surprise Valley (Modoc County); All that portion of Surprise Valley lying in Modoc County below the 5,000 feet contour.

Lookout-Bieber Area (Modoc and Lassen Counties); Commencing at the town of Adin (Modoc County) south on Adin-Eagle Lake County Road to the boundary of the Modoc National Forest (approximately 6 5 miles south of Adin); thence westerly and southerly along said Forest boundary to the Township line between T. 36 N. and T. 37 N; thence west along said township line to the Great Northern Railroad; thence northerly along said Railroad to the township line between T. 37 N. and T. 38 N.; thence westerly along said Township line to the range line between R. 6 E. and R. 7 E.; thence north along said Range line to the township line between T. 39 N. and T. 40 N.; thence east along said township line to the range line between R. 7 E. and R. 8 E.; thence south along said range line to the Lookout-Adin County Road; thence easterly along said County Road to Adin, the point of begin-

ning. This includes the Towns of Nubieber, Bieber, Lookout, and Adin.

McArthur Area (Lassen County); All of T. 38 N., R. 5 E. and T. 38 N., R. 4 E.; the E. ½ of T. 38 N., R. 3 E.; all of T. 37 N, R. 5 E.; the E. ½ of T. 37 N., R. 4 E. This includes the Towns of Dana, Pittville, McArthur, and Fall River Mills.

Honey Lake Area (Lassen County); Commencing at the point where the Southern Pacific Railroad intersects the California-Nevada State Line in T. 27 N., R. 17 E.; thence southerly along said State Line to where the township line between T. 24 N. and T. 25 N. intersects said State Line; thence westerly along the township line between T. 24 N. and T. 25 N. to the Plumas National Forest Boundary; thence northerly and westerly along Plumas National Forest Boundary to its intersection with the range line between R. 11 E. and R. 12 E.; thence northerly along said range line to the township line between T. 30 N. and T. 31 N.; thence easterly along said township line to the range line between R 13 E. and R. 14 E.; thence southerly along said range line to the township line between T. 29 N. and T. 30 N.; thence easterly along said township line to the Southern Pacific Railroad; thence southerly along said railroad through the Town of Wendel; thence southerly and easterly along said railroad to the point of beginning.

Indian Valley (Plumas County); The SW. ¼ of T. 27 N., R. 11 E.; the S. ½ of T. 27 N., R 10 E.; the SE. ¼ of T. 27 N., R. 9 E.; the W. ½ of T. 26 N., R. 11 E.; T. 26 N, R. 10 E.; the E. ½ of T. 26 N., R. 9 E. This includes the Towns of Greenville, Crescent Mills and Taylorsville.

Sierra Valley (Sierra and Plumas Counties); The S. ½ of T. 23 N., R. 16 E.; the S. ½ of T. 23 N., R. 15 E.; the S. ½ of T. 23 N., R. 14 E.; the S. ½ of T. 23 N., R. 13 E.; T. 22 N., R. 16 E.; T. 22 N., R. 15 E.; T. 22 N, R. 14 E.; T. 22 N., R. 13 E.; T. 22 N., R. 12 E.; T. 21 N., R. 14 E.; T. 21 N., R. 15 E.; the W. ½ of T. 21 N., R. 16 E.; T. 20 N., R. 14 E.; the W. ½ of T. 20 N., R. 15 E. This includes the Towns of Blairsden, Portola, Vinton, Loyalton, Sierraville, and Calpine.

Clubs licensed in the above area shall be issued Zone A licenses. Zone B shall consist of the remainder of the State, and clubs licensed in this area shall be issued Zone B licenses. Zone B

SEC. 3. Section 50.2 is added to said code, to read:

50.2. There shall be at least one-half (½) mile distance between licensed game bird clubs; provided, that club areas licensed and operated during the 1955-56 license year which continue in operation each year thereafter shall not be subject to the provisions of this section. Distance between clubs

SEC. 4. Section 51 of said code is amended to read:

51. (a) If the commission is satisfied, after investigation, that the tract is suitable for the purpose of a licensed game bird club and that the establishment of such a club will not conflict with the public interest, the commission may issue a commercial licensed game bird club license upon the payment Licenses, fees

of a license fee of one hundred dollars ($100), or, a private licensed game bird club license upon the payment of a license fee of seventy-five dollars ($75) for a club of 500 acres or less and one hundred dollars ($100) for a club of over 500 acres. Such license shall be issued for a term of one year from March 1st, to the last day of February, or, if issued after the beginning of such term, for the remainder thereof.

(b) The license shall authorize the licensee to shoot, or permit to be shot, legally propagated birds, upon the premises for which the license is issued. The licensee may fix a daily bag limit, not to exceed six birds. No person hunting on a licensed game bird club shall kill more than six birds in any one day regardless of the number of clubs on which he hunts.

Release of birds

(c) The licensee shall propagate and rear, or otherwise acquire, and release upon the premises birds at the rate of not less than one bird per three acres on private licensed game bird clubs and not less than one bird per five acres on commercial licensed game bird clubs. At least fifty percent (50%) of the total number of birds released on the premises shall be released within the period beginning five days prior to the opening and ending the last day of the licensed game bird club season. Such birds at the time of release shall be full-winged and otherwise in condition to go wild. The commission may charge an inspection fee not to exceed five cents ($0.05) per bird for inspections necessary to insure proper condition of birds to be released.

Inspection fees

Repeal

SEC. 5. Section 51.5 of said code is repealed.

SEC. 6. Section 52 of said code is amended to read:

Exemptions

52. Licensees under the provisions of this chapter shall not be subject to the provisions of the following sections of the Fish and Game Code: 1360 to 1366, inclusive, 1380 to 1395, inclusive, except where birds reared under confinement are to be sold alive or dead for transportation elsewhere, 16.3 or the rules and regulations of the commission as promulgated thereunder.

SEC. 7. Section 54 of said code is amended to read:

Hunting season Zone A

54. The season during which shooting is to be permitted upon the licensed premises in Zone A shall be for a period of 75 consecutive days beginning on the Saturday nearest the first day of November. The total number of birds which may be taken on the premises shall not exceed 65 percent of the birds released from August 1st to five days prior to the licensed game bird club season plus 80 percent of the birds released during, and within five days prior to the opening of, such season; provided, however, that birds one year of age or older may be released during the period from July 1st to five days prior to the licensed game bird club season and a shooting quota of 65 percent be allowed for such birds.

Bird limit

SEC. 8. Section 54.1 is added to said code, to read:

Hunting season, Zone B

54.1. The season during which shooting is to be permitted upon the licensed premises in Zone B shall be for a period of

six (6) consecutive calendar months beginning on September 1st. The total number of birds which may be taken on the premises shall not exceed the number of birds released thereon during the license year. Bird limit

SEC. 9. Section 55 of said code is amended to read:

55. The licensee on a commercial licensed game bird club may charge a fee to include a daily permit fee not to exceed eighteen dollars ($18) and a bird fee not to exceed six dollars ($6) per bird. The daily permit fee shall be applied on the charge for birds taken. The amount of such fee shall be stated in the application for license and upon the license that may be issued, and also upon the permit issued by the licensee to each hunter. Fee

SEC. 10. Section 56 of said code is amended to read:

56. Until the commission shall have certified that the provisions of this chapter and the rules and regulations of the commission have been complied with, it shall be unlawful to shoot, attempt to shoot or to otherwise take any game bird on the licensed premises. No game bird under this chapter shall be removed from the licensed premises until there shall have been securely attached to said game bird a metallic seal, and such seal shall remain attached to said birds until they are finally prepared for consumption. Such seals shall be supplied by the commission at a cost not in excess of five cents ($0.05) each. Certification Metallic seal

SEC. 11. Section 59.6 is added to said code, to read:

59.6. Amendments to Chapter 5, Division 1 of the Fish and Game Code enacted at the 1955 Regular Session of the Legislature shall become effective on February 1, 1956. Operative date of amendments

SEC. 12. Section 1380.1 is added to said code, to read:

1380.1. There shall be two classes of breeder's licenses: a class 1 breeder's license shall authorize the licensee to engage in all domestic game breeding activities; provided, that not more than one hundred seventy-five (175) Chinese ringneck or Mongolian ringneck pheasants or both, or hybrids thereof, may be sold annually under such class 1 license. A class 2 breeder's license shall be required for the licensee to sell annually more than one hundred seventy-five (175) Chinese ringneck or Mongolian ringneck pheasants or both, or hybrids thereof, and shall entitle the licensee to all rights and privileges of a class 1 license. Breeder's licenses

SEC. 13. Section 1381 of said code is amended to read:

1381. The commission shall issue a class 1 breeder's license upon the payment of a fee of five dollars ($5) and a class 2 breeder's license upon the payment of a fee of twenty-five dollars ($25). Fees

SEC. 14. Section 1381.5 is added to said code, to read:

1381.5. Amendments to Article 8, Chapter 3, Part 3, Division 4 of the Fish and Game Code enacted at the 1955 Regular Session of the Legislature shall become effective on January 1, 1956. Operative date of amendments

CHAPTER 1852

An act to amend Section 444 of the Education Code, relating to compensation of the county superintendent of schools in a county of the forty-fourth class.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955]

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

SECTION 1. Section 444 of the Education Code is amended to read:

San Benito County Superintendent of Schools Salary

444. The annual salary of the county superintendent of schools of a county of the forty-fourth class is seven thousand dollars ($7,000), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 1853

An act to amend Section 431 of the Education Code, relating to the county superintendent of schools in a county of the thirty-first class.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955]

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

SECTION 1. Section 431 of the Education Code is amended to read:

Placer County Superintendent of Schools Salary

431. The annual salary of the county superintendent of schools of a county of the thirty-first class is eight thousand dollars ($8,000), and he shall possess a valid general administrative credential issued by the State Board of Education.

CHAPTER 1854

An act to amend Section 28131 of the Government Code, relating to compensation for public service in counties of the thirty-first class.

In effect September 7, 1955

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955.]

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

SECTION 1. Section 28131 of the Government Code is amended to read:

Placer County officers Salaries

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:

(a) The auditor, six thousand three hundred dollars ($6,300) a year.

(b) The district attorney, five thousand five hundred dollars ($5,500) a year.

(c) Each supervisor, five thousand dollars ($5,000) a year, for all services rendered as supervisor and as member of the board of equalization, 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.

CHAPTER 1855

An act to amend Sections 7103.1 and 7103.2 of the Education Code, relating to the excess cost of educating severely mentally retarded minors.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

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

SECTION 1. Section 7103.1 of the Education Code is amended to read:

7103.1. The Superintendent of Public Instruction shall allow to each school district an amount equal to the excess current expense of education to the district, excluding 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 four hundred dollars ($400) per unit of average daily attendance of such minors.

SEC. 2. Section 7103 2 of said code is amended to read:

7103.2. The Superintendent of Public Instruction shall allow to each county school service fund an amount equal to

the excess current expense of education to the county superintendent of school, excluding 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 four hundred dollars ($400) per unit of average daily attendance of such minors.

CHAPTER 1856

An act to amend Section 7800 of the Education Code, relating to school district public works.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

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

SECTION 1. Section 7800 of the Education Code is amended to read:

7800. Not to exceed 3½ percent of any sum appropriated by the Legislature at the 1952 Second Extraordinary Session and not to exceed 3½ percent of the proceeds of the sale of any state bonds for state school building aid, including the proceeds of bonds authorized by Section 17 of Article XVI of the California Constitution, may be expended pursuant to this article for assistance to school districts in providing necessary housing and equipment for the education of exceptional children. All the provisions of Articles 1 and 2 of this chapter, except Sections 7705, 7705.1, and 7717, shall apply to this article unless otherwise provided herein.

CHAPTER 1857

An act to add Chapter 11 to Part 3, Division 3, Title 2 of the Government Code, relating to the organization and cost control of state government functions.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

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

SECTION 1. Chapter 11 is added to Part 3, Division 3, Title 2 of the Government Code, to read:

CHAPTER 11. DIVISION OF ORGANIZATION AND COST CONTROL

Division of Organization and Cost Control:

13875. There is in the Department of Finance a Division of Organization and Cost Control.

13876. The director, subject to the State Civil Service Act, shall appoint a chief of the division and such other personnel as is necessary to perform the functions of the division. The chief of the division shall report directly to the Director of Finance. Chief and personnel

13877. It shall be the function of the division to provide consultation and coordination to the departments and agencies of the State Government with respect to organization planning and the development and application of controls over manpower and costs, as directed or requested to conduct studies in such fields, and in the field of application of classifications to jobs and positions; and to conduct research and exchange of information in the field of management. Functions

13878. In the field of organization planning the division shall: Same Organization planning field

(a) Counsel with, assist, and provide coordination to the heads of state departments:

(1) In the development and application of principles of sound management.

(2) In the development and implementation of plans of organization.

(3) In the preparation of organization charts to reflect current approved organization structures.

(b) Initiate recommendations for special studies to improve the pattern of organization of the State Government in all its parts.

13879. In the field of manpower and costs control, the division shall: Same Manpower and costs control field

(a) Counsel with and provide coordination to the heads of departments in the development and application of effective controls over manpower and administrative and operating costs.

(b) Develop and foster the adoption of improved methods, procedures, and performance standards to achieve more efficient accomplishment of necessary work and more effective utilization of manpower.

(c) Counsel with and provide coordination to the heads of departments in the design of job and position content to ensure that they are consistent with productivity and relative importance to the State Government.

(d) Maintain authoritative current records of actual employment of approved manpower allowables or manning tables for each state agency and in such form that they may be compared and reconciled with manpower allowables.

(e) At appropriate intervals, report on the effectiveness of manpower and cost control measurers by each state agency.

(f) As directed or requested, conducts studies of the manpower of departments and agencies of the State Government, or of any of their components, as a basis for recommending improved manpower utilization, methods, procedures, and performance standards, the elimination of unnecessary or dupli-

cative work and wasteful practices, and the adjustment of the work force to the established work load.

Same Organizat on research field

13880. In the field of organization research, the division shall:

(a) Counsel with and provide coordination to the heads of departments on the internal exchange of information and experience regarding management, organization, manpower, and cost control problems and their solution.

(b) Initiate or, as requested, conduct studies and exchanges of information with other governmental agencies, with industry, and with professional and educational institutions regarding management subjects, publishing or circulating the results, as appropriate, for the benefit of all or selected segments of the State Government.

Powers

13881. The division may:

(a) Conduct such relationships with agencies of the governments of municipalities, counties, other states, and the United States as are appropriate in the discharge of its functions.

(b) Conduct exchanges of management information and experience with appropriate governmental agencies.

(c) Coordinate its efforts with and seek the counsel of the various agencies within the State Government concerned with budget analysis to obtain their views on methods of reducing budgets and costs.

(d) Conduct such relationships with business, industry, and educational institutions as are appropriate in the discharge of its functions.

(e) Conduct correspondence and exchanges of information with, and maintain memberships in appropriate professional and business organizations to keep abreast of the latest and best management thought and practice.

(f) Maintain direct contact with and seek the counsel and support of special boards, commissions, or committees from business and industry created to foster the economical use of labor, materials, and money in government.

CHAPTER 1858

An act to repeal Sections 4623, 4623.5, 4624, and 4625 of, to amend Sections 4103, 4621 and 4626 of, to add Sections 4621.5, 4623, 4624, 4625, and 4626.5 to, and to amend and renumber Sections 1812, 1827, and 1942 of, the Education Code, relating to the public school system.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

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

Repeals

SECTION 1. Sections 4623, 4623 5, 4624, and 4625 of the Education Code are repealed.

SEC. 2. Section 1942 of said code is amended and renumbered to read:

1872. When such a vacancy occurs the county superintendent of schools having jurisdiction, with the approval of the county board of education, shall appoint an eligible person to hold the office for the remainder of the unexpired term. Filling of vacancies

SEC. 3. Section 4103 of said code is amended to read:

4103. In every junior college district which was divided into five wards on or before the effective date of this section, one member of the board shall be elected from each ward by the registered voters of the ward. On or before January 1st of a fiscal year the governing board of the district may rearrange the boundaries of the wards to provide for representation in accordance with population and geographic factors or may abolish the wards. Junior college districts Election of board members by wards

SEC. 4. Section 4623 is added to said code, to read:

4623. When any unified school district is created under the provisions of this chapter, the county superintendent of schools having jurisdiction shall call and set the date for an election for the purpose of electing the governing board of the district. The call shall be issued not later than the fourth Friday of January next succeeding the creation of the district and the election shall be held not later than the third Friday in May next succeeding the call. The election shall be held and conducted by the county superintendent of schools having jurisdiction in substantially the same manner as elections held under Articles 1 and 2 of Chapter 4 of this division. Unified school districts Election of governing board

SEC. 5. Section 4624 is added to said code, to read:

4624. The terms of the members elected at the initial election of governing board members in any new unified school district created under the provisions of this chapter shall begin on the first day of the second calendar month following their election. The term of the two members receiving the highest number of votes shall expire on June 30th of the fourth year following the election. The term of the member receiving the next highest number of votes shall expire on June 30th of the third year following the election. The term of the member receiving the next highest number of votes shall expire on June 30th of the second year following the election, and the term of the fifth member shall expire on June 30th of the year following the election. Terms of members

SEC. 6. Section 4625 is added to said code, to read:

4625. After the initial election of governing board members in any new unified school district created under the provisions of this chapter, a governing board member election shall be held annually at the time and in the manner provided in Articles 1 and 2 of Chapter 4 of this division to fill the offices of members whose terms expire on June 30th next succeeding the election. Each person elected shall hold office for a term of four years from July 1st next succeeding his election. Subsequent elections

SEC. 7. Section 4626 of said code is amended to read:

Vacancies

4626. Vacancies on the governing board of any unified school district created under the provisions of this chapter shall be determined in accordance with the provisions of Article 3 of Chapter 4 of this division, and shall be filled by appointment by the remaining members of the board for the remainder of the unexpired term. If there are no remaining board members, or if the remaining board members fail to agree, the county superintendent of schools having jurisdiction, with the approval of the county board of education, shall appoint an eligible person to hold the office for the remainder of the unexpired term.

SEC. 8. Section 4626.5 is added to said code, to read:

Recall

4626.5. Any member of any unified school district governing board may be recalled in the manner provided in Article 4 of Chapter 4 of this division for elementary school district governing boards.

SEC. 9. Section 1827 of said code is amended and renumbered to read:

Canvass, etc

1854. In any school district governing board member election, the election officials shall publicly canvass the votes immediately after closing the polls, fill out the tally sheet, certify to the correctness of the canvass made, and post conspicuously on the outside of the polling place a copy of the result of the votes cast at the polling place.

SEC. 10. Section 1812 of said code is amended and renumbered to read:

Index of registration

1838. The county superintendent of schools of each county, at the time that notice of any governing board member election is given, shall in writing officially request the county clerk or registrar of voters of each county or city and county within which the school district is wholly or partially situated to furnish the governing board of the district with as many copies as may be requested by the governing board, not exceeding four, of the index of the registration book, as of the fifty-fourth day preceding the election, for each precinct in the county or city and county contained in whole or in part in the school district.

Upon receipt of the request, at least 40 days before the election, the county clerk or registrar of voters shall forward to the clerk or secretary of the governing board the number of copies of the index requested. Copies of the index shall be supplied from any available copies in the custody of the county clerk or registrar of voters. If no copies are available, copies of the index of the registration book or any supplements thereto, shall be prepared by the county clerk or registrar of voters. The actual expense of the preparation of the index shall be a charge against the school district requiring the index. If a consolidated election is to be held copies need be furnished to the governing board of only one of the districts concerned, which board shall be designated by the county superintendent of schools.

SEC. 11. Section 4621 of said code is amended to read:

Unified school district containing chartered city Government

4621. Any unified school district which is coterminous with or includes within its boundaries a chartered city or city and county shall be governed by the board of education provided for in the charter of the city or city and county. Sections 4622 through 4626.5 of this article shall not apply to such unified school districts, except as follows:

(a) As provided in the charter of the city or city and county.

(b) If the charter of the city or city and county fails to provide for a board of education or for any or all of the matters specified in Section 2108, Sections 4622 through 4626.5 shall apply as to the matter not provided for in the charter.

SEC. 12. Section 4621.5 is added to said code, to read:

Election of board members upon failure of charter to provide

4621.5. If the charter of any city provides for or has within two years prior to January 1, 1955, provided for a board of education of five members of a unified school district, and said charter has been or is hereafter amended so that it fails to provide for a board of education, a new board of education composed of five members is created under this section immediately upon the effective date of such amendment; the positions thereto shall be filled by appointment of the county superintendent of schools. The terms of the members first so appointed shall expire the last day of June next following the effective date of such charter amendment, and an election shall be held for the members of such board at the time fixed by law for the regular election of members of governing boards of school districts, and the members so elected shall assume office on the first day of July following. If the effective date of such charter amendment is such that a legal election for board members cannot be held as aforesaid prior to the first day of July next following such charter amendment, then the county superintendent of schools shall again appoint the members of such board who shall assume office on the first day of July as aforesaid. The terms of the board members who take office on the first day of July as aforesaid and thereafter shall be for a period of four years except that of the members who take office the first day of July next succeeding such charter amendment, two shall be for a term of two years from such July 1st and three shall be for a term of four years therefrom thereby securing a rotation in membership, and the county superintendent of schools, upon the making of the appointments aforesaid or within 30 days after the effective date of this section, whichever is later, shall designate which positions are for the two-year and which for the four-year terms.

Terms

Except as herein otherwise provided, the members of the board shall be elected at the last time fixed by law for the election of members of governing boards of school districts prior to the commencement of a new term of office. If a general municipal election is to be held within 60 days prior to the time when an election for board members would be held as aforesaid, the board of education may, by resolution filed with the governing

Time of election

body of such city at least 60 days prior to such municipal election, call the school district election to coincide with the municipal election and request the governing body of such city to consolidate such elections in that portion of the school district which lies within such city, and the governing body of such city shall order such elections to be consolidated and to be held as are consolidated elections under the provisions of the Elections Code relating to consolidated elections, in which event the school district shall simultaneously with the holding of such consolidated election conduct an election in any portion of the district not included within such municipality. In the event of the holding of such consolidated election, the school district shall reimburse the city for its proportionate share of the costs of conducting such consolidated election in an amount to be agreed upon between the governing bodies of such school district and such city.

Costs

CHAPTER 1859

An act to amend Section 7717.1 of the Education Code, relating to state school building aid.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955]

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

SECTION 1. Section 7717.1 of the Education Code is amended to read:

School building construction Method of determining need

7717.1. The board by the adoption of rules shall provide for the manner of determining the area of adequate school construction existing in an applicant school district at the time of application. Such rules shall define and provide the method of determining building areas that are to be included in whole or in part, or to be excluded from the area of existing adequate school construction.

The board may make exceptions to the provisions of this section or to the rules adopted pursuant to such section when it determines that such will be for the benefit of children affected.

"Service area"

For the purposes of this section, "service area" may be defined as (1) buildings which when constructed were intended to be used for a purpose to which the provisions of Education Code Sections 18191 to 18205, inclusive, would not apply, whether or not such sections were in effect at the time when the building was constructed, or (2) buildings which when constructed were intended to be used for a purpose to which Education Code 18191 to 18205, inclusive, would apply, whether or not such sections were in effect when the building was constructed, but which building has been converted or is intended to be converted, as shown by the application, to use for purposes to which such sections would not apply. Service area may include, but is not limited to, construction used as bus garages, maintenance shops, centrally located district

storage and warehouses, teacherage and custodial houses, utility shelters, transformer vaults, and service yards.

Computation of area of adequate school construction

The area of adequate school construction existing in a district at the time of application shall be initially computed as all of the construction area of the district except (1) such areas as may be eligible for replacement under standards established by the board, and (2) such areas in an existing structurally inadequate building for which an application has been filed for structural rehabilitation or in a building previously structurally rehabilitated under either Chapter 1.6 or Chapter 19, Division 3 of the Education Code, that exceeds the maximum building area allowed by Section 7717 for a number of pupils, equivalent to those that could be housed in the building after rehabilitation. The board shall prescribe by rule the method of computing the number of pupils which could be so housed for the purposes of this subsection. If such area of adequate school construction, when added to the minimum facilities needed by the district, results in a total construction area in excess of the amount prescribed in Section 7717, then the board may make the following adjustments to the initial computation or such revisions thereof as the board, in its discretion, deems desirable:

(a) Service areas constructed prior to July 19, 1947, shall be excluded, except as provided in (c) below.

(b) Service areas constructed subsequent to July 19, 1947, shall be recomputed by multiplying the total number of square feet of said service area by the percentage determined from dividing the actual construction cost per square foot as determined by the Director of Finance by the estimated average cost per square foot of the new school facilities for which the district has made application.

(c) If any inadequate nonservice area constructed prior to July 19, 1947, is, or will be, converted to a service area, such area shall be recomputed by multiplying said area by the percentage determined by dividing the depreciated value of said area by the replacement cost as such value and cost are determined by the Director of Finance.

(d) If, after the revised computation of service areas is made as prescribed under subsections (a), (b), and (c) of this section, the existing and requested building area of the district is in excess of the schedule set forth in Section 7717, the existing building area of nonservice facilities may be determined on the basis of the number of pupils housed by such facilities at an allowance per pupil which is not more than 25 percent in excess of the amount per pupil prescribed in Section 7717.

The board shall prescribe by rule the method for computing the number of adequately housed pupils for purposes of this subsection.

Termination date

This section shall remain in effect until the ninety-first day after the final adjournment of the 1957 Regular Session of the Legislature.

CHAPTER 1860

An act to add Sections 15507, 15508 and 15509 to the Government Code, relating to the allocation of funds to local agencies.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

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

SECTION 1. Section 15507 is added to the Government Code, to read:

Local Planning Advisory Committee

15507. In order to provide the State Allocation Board with assistance in securing reports, information, and recommendations relating to local planning in connection with school districts, the board may receive and act upon the advice and recommendations of a committee to be known as the Local Planning Advisory Committee, to consist of seven members serving at the pleasure of those who appoint them, and to be appointed as follows: three members as representatives of counties, one of them a county supervisor, one a member of a county planning commission, and one a county planning director, all to be appointed by the President of the County Supervisors Association of California; three members as representatives of cities, to be appointed by the President of the League of California Cities, one of them a city councilman, one of them a city planning commission member, and one of them a city planning director; one member as a representative of schools, to be a county superintendent of schools, appointed by the President of California School Trustees Association. The members of the committee shall not be deemed officers or employees of the State, and shall receive no compensation for their services, but shall be reimbursed, on order of the board, the actual amounts of their reasonable and necessary expenses in attending upon the board. The committee shall meet at the call of the chairman of the board.

Membership

Compensation

Meetings

SEC. 2. Section 15508 is added to said code, to read:

Preparation, etc., of materials

15508. For this purpose, the Director of Finance shall prepare, collect and disseminate material to be used as a guide by local agencies for the preparation of such reports and information.

SEC. 3. Section 15509 is added to said code, to read:

Federal assistance

15509. In the event the Federal Government makes available planning grants to state planning agencies for assistance to cities and other municipalities having a population of less than 25,000 or makes planning grants to the State for similar planning work in metropolitan and regional areas, such grants shall be allocated by the Director of Finance in accordance with requirements of the federal grants, except as provided in Section 15505 of this part.

CHAPTER 1861

An act to amend Sections 142 and 168 of the Vehicle Code, relating to vehicles exempted from registration and permits.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 142 of the Vehicle Code is amended to read:

142. Exemption From Registration. The registration provisions of this chapter shall not apply to any of the following vehicles: Exemption from registration

(a) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway in conformance with the provisions of this code relating to dealers, transporters or nonresidents or under a temporary registration permit issued by the department as authorized by Section 147 hereof.

(b) Any vehicle of a type otherwise subject to registration hereunder which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another in accordance with a permit issued by the Department of Public Works.

(c) Any implement of husbandry, whether of a type otherwise subject to registration hereunder or not, which is only incidentally operated or moved over a highway. The following shall be deemed to be implements of husbandry and shall be exempt from registration:

(1) A lift-carrier or other vehicle designed and used exclusively for the lifting and carrying of implements of husbandry, when operated or moved upon a highway.

(2) A two-wheeled trailer having no bed, and designed and used solely for transporting a hay loader.

(3) A spray rig designed and used exclusively for spraying in the conduct of agricultural operations.

(4) A nurse rig or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of a spray rig or an airplane used for the dusting, spraying, fertilizing or seeding of crops.

(5) A row duster.

(6) A wagon or van used exclusively for carrying products of farming from one part of a farm to another part thereof, or from one farm to another farm, and used solely for agricultural purposes, including any van used in harvesting alfalfa or cotton, which is only incidentally operated or moved on a highway as a trailer.

(7) A wagon or portable house on wheels used solely by shepherds as a permanent residence in connection with sheep-raising operations and moved from one part of a ranch to another part thereof or from one ranch to another ranch, which

is only incidentally operated or moved on a highway as a trailer.

(8) A trap wagon moved from one part of a ranch to another part of the same ranch or from one ranch to another, which is only incidentally operated or moved on a highway.

(9) Any vehicle which is operated upon a highway only for the purpose of transporting agricultural products across a highway and is in no event operated along a highway for a greater distance than one-quarter mile.

(10) A trailer of the tip-bed type when used exclusively by a farmer owner in the transportation of other implements of husbandry.

(11) A portable honey extracting trailer or semitrailer.

(12) A one-axle trailer of the tip-bed type when used exclusively in the transportation of other implements of husbandry.

The foregoing list shall be deemed as illustrative and not a list of limitations.

(d) Special mobile equipment.

(e) Any self-propelled wheel chair or invalid tricycle while being operated by a person who by reason of physical disabilities is otherwise unable to move about as a pedestrian.

(f) Special highway construction equipment.

SEC. 2. Section 168 of said code is amended to read:

Special equipment and identification plates

168. Special Highway Construction Equipment and Special Mobile Equipment Identification Plates. Special highway construction and special mobile equipment shall not be subject to registration. Prior to any movement each piece of special highway construction equipment shall display an equipment identification plate attached thereto. Such equipment identification plate shall not be required for special mobile equipment but may at the option of the owner or authorized operator thereof be obtained and attached to each piece of such equipment after complying with requirements for such specified in this section.

Application for the identification plate shall be made before any such piece of equipment is moved over the highway to the department on a form furnished by the department, together with payment of a service charge of five dollars ($5), the fees from which are to be credited to the Motor Vehicle Fund. Publicly owned special highway construction equipment and publicly owned special mobile equipment are exempt from the said service charge.

The application shall include a statement by the owner of the use or uses which he intends to make of the equipment, a description of such equipment, including distinctive marks or features, if any, a photograph of the equipment, and such other information as may reasonably be required by the department to determine whether the applicant is entitled to be issued an identification plate for the equipment. When identification plates are to be obtained for more than one piece of equipment and such pieces of equipment are of the same iden-

tical type, only one photograph of one piece shall be required to be attached to such application.

Each identification plate issued under this section shall bear a distinctive number to identify the equipment for which it is issued. The owner, upon being issued a plate, shall attach it to the equipment for which it is issued, and it shall be unlawful for any person to attach or use the plate upon any other equipment or vehicle. If the equipment is destroyed or the ownership thereof transferred to another person, the person to whom the plate was issued shall first remove the plate and, within 10 days after removing the plate, return it to the department, together with a notice, on a form approved by the department, that the equipment has been destroyed or the ownership thereof transferred to another person.

CHAPTER 1862

An act to amend Section 476a of the Penal Code, relating to the punishment for making or uttering checks without sufficient funds.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 476a of the Penal Code is amended to read:

476a. (a) Any person who for himself or as the agent or representative of another or as an officer of a corporation, willfully, with intent to defraud, makes or draws or utters or delivers any check, or draft or order upon any bank or depositary, or person, or firm, or corporation, for the payment of money, knowing at the time of such making, drawing, uttering or delivering that the maker or drawer or the corporation has not sufficient funds in, or credit with said bank or depositary, or person, or firm, or corporation, for the payment of such check, draft or order and all other checks, drafts or orders upon such funds then outstanding, in full upon its presentation, although no express representation is made with reference thereto, is punishable by imprisonment in the county jail for not more than one year, or in the state prison for not more than 14 years.

(b) However, if the total amount of all such checks, drafts, or orders that the defendant is charged with and convicted of making, knowing, or uttering does not exceed fifty dollars ($50), the offense is punishable only by imprisonment in the county jail for not more than one year, except that this subdivision shall not be applicable if the defendant has previously been convicted of a violation of Sections 470, 475, or 476 of this code, or of this section of this code, or of the crime of

petty theft in a case in which defendant's offense was a violation also of Sections 470, 475, or 476 of this code or of this section.

If any of the preceding paragraphs, or parts thereof, shall be found unconstitutional or invalid, the remainder of this section shall not thereby be invalidated, but shall remain in full force and effect.

CHAPTER 1863

An act to amend Section 11013 of, and to add Sections 11000.5 11013.1, 11013.2, 11013.3, 11013.4 and 11013.5 to, the Business and Professions Code, relating to real estate subdivisions.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 11000.5 is hereby added to the Business and Professions Code, to read:

Commercial agricultural land

11000.5. Land or lands, improved or unimproved, divided or proposed to be divided for sale or lease shall not be deemed "subdivided lands" or "a subdivision" within the meaning of Section 11000 if such lands are to be sold or leased solely for commercial agricultural purposes in parcels of 20 acres or more.

SEC. 1.5. Section 11013 of said code is amended to read:

Blanket encumbrance

11013. For the purposes of this part, a blanket encumbrance shall be considered to mean a trust deed or mortgage or any other lien or encumbrance, mechanics' lien or otherwise, securing or evidencing the payment of money and affecting land to be subdivided or affecting more than one lot or parcel of subdivided land, or an agreement affecting more than one such lot or parcel by which the owner or subdivider holds said subdivision under an option, contract to sell, or trust agreement.

SEC. 2. Section 11013.1 is added to said code, to read:

Release clause

11013.1. It shall be unlawful, except as provided in Section 11013.2, for the owner or subdivider to sell or lease lots or parcels within a subdivision that is subject to a blanket encumbrance unless there exists in such blanket encumbrance or other supplementary agreement a provision, hereinafter referred to as a release clause, which by its terms shall unconditionally provide that the purchaser or lessee of a lot or parcel can obtain title or other interest contracted for, free and clear of such blanket encumbrance, upon compliance with the terms and conditions of the purchase or lease.

SEC. 3. Section 11013.2 is added to said code, to read:

Effect of no release clause

11013.2. Should there not exist in the blanket encumbrance or supplementary agreement a release clause as set forth in

Section 11013.1, then it shall be unlawful for the owner or subdivider to sell or lease lots or parcels within said subdivision unless one of the following conditions is complied with:

(a) The entire sum of money paid or advanced by the purchaser or lessee of any such lot or parcel, or such portion thereof as the commissioner shall determine is sufficient to protect the interest of the purchaser or lessee, shall be deposited into an escrow depository acceptable to the commissioner until either (1) a proper release is obtained from such blanket encumbrance; or (2) either the owner or subdivider or the purchaser or lessee may default under their contract of sale or lease and there is a determination as to the disposition of such moneys; or (3) the owner or subdivider orders the return of such moneys to such purchaser or lessee.

(b) The title to the subdivision is to be held in trust under an agreement of trust acceptable to the commissioner until a proper release from such blanket encumbrance is obtained.

(c) A bond to the State of California is furnished to the commissioner for the benefit and protection of purchasers or lessees of such lots or parcels, in such amount and subject to such terms as may be approved by the commissioner, which shall provide for the return of the moneys paid or advanced by any purchaser or lessee, for or on account of the purchase or lease of any such lot or parcel if a proper release from such blanket encumbrance is not obtained; provided, however, that if it should be determined that such purchaser or lessee, by reason of default or otherwise, is not entitled to the return of such moneys, or any portion thereof, then such bond shall be exonerated to the extent of the amount of such moneys to which such purchaser or lessee is not entitled.

(d) There is conformance to such other alternative requirement or method which the commissioner may deem acceptable to carry into effect the intent and provisions of this part.

SEC. 4. Section 11013.3 is added to said code, to read:

Taxes and assessments

11013.3. Taxes and assessments levied by public authority shall not be considered a blanket encumbrance within the meaning of Section 11013.

SEC. 5. Section 11013.4 is added to said code, to read:

Effect of no blanket encumbrance

11013.4. If a subdivision is not subject to a blanket encumbrance, as defined in Section 11013, it shall be unlawful for the owner or subdivider to sell or lease lots or parcels within a subdivision unless one of the following conditions is complied with:

(a) The entire sum of money paid or advanced by the purchaser or lessee of any such lot or parcel, or such portion thereof as the commissioner shall determine is sufficient to protect the interest of the purchaser or lessee, shall be deposited into an escrow depository acceptable to the commissioner or into a trust account acceptable to the commissioner to be held in such escrow depository or trust account until the title or other interest contracted for, whether it be title of record, equitable or other interest, is delivered to such purchaser or

lessee or until (1) either the owner or subdivider or the purchaser or lessee may default under their contract of sale or lease and a determination is made as to the disposition of such moneys; or (2) the owner or subdivider orders the return of such moneys to such purchaser or lessee.

(b) A bond to the State of California is furnished to the commissioner for the benefit and protection of purchasers or lessees of such lots or parcels, in such amount and subject to such terms as may be approved by the commissioner, which shall provide for the return of the moneys paid or advanced by any purchaser or lessee, for or on account of the purchase or lease of any such lot or parcel in the event that the owner or subdivider does not, within the time specified in his contract to sell or lease, or any extension thereof, deliver the title or other interest contracted for, whether it be title of record, equitable or other interest, to such purchaser or lessee for any reason other than an uncured default of such purchaser or lessee.

(c) An association, approved by the commissioner, files with the commissioner a certificate in which it certifies that the owner or subdivider is a member of such association and that there is on file with the commissioner a bond, of the kind specified in subdivision (b) of this section, which has been approved by the commissioner as to amount, terms and coverage, and which is for the benefit and protection of all purchasers and lessees of subdivided lots or parcels to be sold or leased by members of such association (all which the commissioner may, at his option, verify or require to be verified). The commissioner may also, from time to time, require an increase in the amount of such bond as a condition to the continued applicability of the provisions of this subdivision to such association and its members or permit a decrease in the amount thereof.

(d) Proof, satisfactory to the commissioner, is furnished: (1) that such bonds or deposits, as provided or contemplated to be filed or made pursuant to the provisions of Articles 8 and 9 of Chapter 2, Part 2, Division 4 of this code, have been filed or made in such amounts as the commissioner shall approve, or that the filing or making of such bonds or deposits are unnecessary; and (2) that a lien and completion bond or bonds, approved by the commissioner as to amount, terms and coverage and including within its scope all on-site construction work to be undertaken on such lots or parcels, has been written and issued by a corporate surety company authorized to do such business in this State; provided, however, that this subdivision shall apply only to an owner or subdivider who proposes to sell or lease such lots or parcels with improvements thereon in the nature of residential structures.

(e) The entire sums of moneys paid or advanced by the purchasers or lessees of such lots or parcels, or such portion thereof as the commissioner shall determine is sufficient to protect the interest of the purchaser or lessee, shall be deposited into an escrow depository or other agency, acceptable to the

commissioner, to be held, in whole or in part, by such escrow depository or other agency as provided by subdivision (a) of this section, or, at the election of the owner or subdivider, to be disbursed, in whole or in part, for the construction of residential or other structures to be built on such lots or parcels within said subdivision, or such unit or units thereof as the commissioner shall determine, in such manner and pursuant to such instructions as the commissioner shall approve; provided, however, that the provisions of this subdivision shall apply only to an owner or subdivider who proposes to sell or lease such lots or parcels with improvements thereon in the nature of residential structures.

(f) There is conformance to such other alternative requirement or method which the commissioner may deem acceptable to carry into effect the intent and provisions of this part.

SEC. 6. Section 11013.5 is added to said code, to read:

11013.5. The public report of the commissioner, when issued, shall indicate the method or procedure selected by the owner or subdivider to comply with the provisions of Sections 11013.1, 11013.2 or 11013.4. Public report

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CHAPTER 1864

An act to add Section 653 to the Unemployment Insurance Code, relating to excluded employments.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 653 is added to the Unemployment Insurance Code, to read:

653. "Employment" does not include services performed in the employ of a baseball club pursuant to a contract or agreement under which the baseball player agrees to perform for expenses and a share of the profits of the club, rather than for a fixed salary.

CHAPTER 1865

An act to repeal Sections 1752.2 and 6515 of the Welfare and Institutions Code and to add Section 19335 to the Government Code, relating to leaves of absence for state employees.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 19335 is hereby added to the Government Code, to read:

19335. The Director of the Departments of Youth Authority, Mental Hygiene and Corrections may grant any employee employed as a vocational teacher or instructor or in a position requiring teaching certification qualifications, a leave of absence to attend summer study sessions at accredited schools or colleges for the purpose of receiving further instruction in pedagogy, vocational education, mental health, or related fields. Such leave of absence may be granted with pay but shall be limited to a period of not more than two (2) months for every three (3) years of service as such state employee. Except as otherwise provided in this section, leaves of absence granted pursuant to this section shall be the same as leaves of absence granted pursuant to the State Civil Service Law and all of the provisions of law and the rules of the State Personnel Board applicable to leaves of absence granted pursuant to the State Civil Service Law shall apply to leaves of absence granted pursuant to this section.

SEC. 2. Sections 1752.2 and 6515 of the Welfare and Institutions Code are hereby repealed.

CHAPTER 1866

An act to add Section 1202.1 to the Public Utilities Code, relating to intersections of streets, highways, and railroads.

In effect September 7, 1955

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 1202.1 is added to the Public Utilities Code, to read:

Costs

1202.1. In any proceeding under Section 1202, where the application to the commission states that the parties are not in agreement as to apportionment of costs, but the applicant is willing to advance the amount of money reasonably necessary to enable the respondent to complete the work which must be done by it, the commission shall set the application for hearing as soon as its calendar permits on the questions of (a) the necessity for the project, (b) the approval of the location and the engineering plans, including provisions for handling traffic during construction and the work to be performed by each party, and (c) the sum to be advanced by the applicant for the work to be done by the respondent. The commission shall render as promptly as possible an interim decision effective within twenty (20) days on said questions, reserving for later hearing and decision the question of apportionment of costs. Said decision shall also order the respondent to proceed upon receipt of the sum to be advanced by applicant without delay to perform the work to be done by respondent, integrating such work with that of the applicant or its contractor in such manner

Hearing

that neither will unreasonably obstruct or delay the work of the other, to the end that the people of the State may have the use of the project at the earliest possible date.

Failure to grant right of entry, etc.

In the event of the failure or refusal of the respondent to grant a right of entry to permit the applicant to proceed with the work to be performed by it or its contractor, applicant may, pursuant to Section 14 of Article I of the Constitution, obtain an order of immediate possession in a court of competent jurisdiction if a condemnation action has previously been filed in such court, or file such action and obtain an order of immediate possession in the event such action has not previously been filed, and upon obtaining such order, may proceed in the same manner as if a right of entry had been granted, and thereupon the same duties to proceed with respondent's own work and integrate the same with that of applicant or its contractor, shall fall upon respondent.

Credit

In the final decision apportioning costs, the sum advanced by the applicant shall be credited against the applicant's share of said costs. In said final decision there shall also be credited against applicant's share of the costs any increases in said costs found by the commission to be directly attributable to respondent's wilful failure or refusal, after the effective date of such interim decision, to proceed with its own work or to integrate said work with that of applicant or its contractor.

CHAPTER 1867

An act to add Sections 5105.5 and 5141.5 to the Revenue and Taxation Code, relating to interest on tax refunds.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 5105.5 is added to the Revenue and Taxation Code, to read:

5105.5. The court shall fix the amount of interest, if any, not to exceed 5 percent which shall be allowed under Section 5105 in any action for the recovery of taxes in which the plaintiff is a city.

SEC. 2. Section 5141.5 is added to said code, to read:

5141.5. The court shall fix the amount of interest, if any, not to exceed 5 percent which shall be allowed under Section 5141 in any action for the recovery of taxes in which the plaintiff is a city.

CHAPTER 1868

An act to add Chapter 7 to Division 20 of the Health and Safety Code, relating to radioactive wastes.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 7. RADIOACTIVE WASTES

Definitions

25600. As used in this chapter the following terms have the meanings described in this section:

(a) "Radioactive wastes" means any nonusable materiels which have been contaminated with radioactive particles or compounds which emit Gamma rays and Alpha and Beta particles.

(b) "Department" means the State Department of Public Health.

(c) "Person" includes any association of persons, copartnership or corporation.

Improper disposition prohibited

25601. No person shall bury, throw away, or in any manner dispose of radioactive wastes in such a manner as to endanger the lives or health of human beings.

Order

25602. The department may, by written order, prohibit the disposal of radioactive wastes by any person when, upon investigation, it has determined that such disposal violates the provisions of Section 25601.

25603. The issuance of an order provided in Section 25602 shall not prevent any person from disposing of radioactive wastes if such disposal is not prohibited by Section 25601.

Court action

25604. The department may bring an action in a court of competent jurisdiction to enjoin the disposal of radioactive wastes in a manner contrary to the terms of any written order issued by the department pursuant to Section 25602. The court may, if it appears necessary, enjoin any person from using special nuclear material who thereby produces radioactive wastes during the period that such radioactive wastes, to the knowledge of such person, is being disposed of in violation of the provisions of this chapter.

CHAPTER 1869

An act to add Part 5 to Division 2 of the Water Code, relating to water rights.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Part 5 is added to Division 2 of the Water Code, to read:

PART 5. RECORDATION OF WATER EXTRACTIONS AND DIVERSIONS

Legislative declaration

4999. The Legislature finds and declares that by reason of the combination of light rainfall, concentrated population, the transition of considerable areas of land from agricultural use to urban use, and a similar dependence on ground water supplies which prevails in the Counties of Riverside, San Bernardino, Los Angeles, Ventura and Santa Barbara, together with the fact that most such underground water supplies are overdrawn, it is necessary that the provisions of this part apply to said counties only.

Definitions

5000. As used in this Part 5, the following terms shall have the respective meanings stated below, viz.:

(a) "Ground water" means water beneath the surface of the ground whether or not flowing through known and definite channels.

(b) "Surface water" means water on the surface of the ground.

(c) "Division" means the Division of Water Resources of the Department of Public Works, of the State of California, and any public body or agency which may hereafter perform the functions now performed by the division.

(d) "Five counties" means the Counties of Riverside, San Bernardino, Los Angeles, Ventura and Santa Barbara.

(e) "Person" means all persons whether natural or artificial, including the United States of America, the State of California, and all political subdivisions, districts, municipalities and public agencies of or in either the State or the United States.

(f) "Sources" means any point of diversion or extraction of water and includes among other things wells, tunnels, and headworks.

Notice of extraction and diversion of water

5001. Each person who, after 1955, extracts ground water in excess of 25 acre feet in any year shall, file with the division on or before March 1st of the succeeding year a "Notice of Extraction and Diversion of Water" (hereinafter called "notice") in the form provided below; provided, however, that no notice need be filed with respect to, and there shall not be required to be included in any such notice, (a) information concerning the extraction or diversion of water from a source from which less than 10 acre-feet has been taken during such year, or (b) information concerning a taking or diversion of surface water for the purpose of generating electrical energy and other nonconsumptive uses, and for incidental uses in connection therewith.

Form and contents

5002. Each notice shall be on a form provided by the division. The first notice filed by any person shall state:

(a) The name of the person extracting ground water or diverting surface water.

(b) The quantity of water taken and the method of measurement used by such person or his predecessor in interest in

each preceding year from each surface or ground water source; provided, that if the period of such taking exceeds 10 years, such person is not required to state such quantities for any period greater than the preceding 10 calendar years.

(c) The location (sufficient for identification) of each surface or ground water source through or by means of which water has been taken, and if any person or persons other than the person filing said notice claims any interest in such source or the right to extract water therefrom, the name or names, so far as known, of such other person or persons.

(d) A general description of the area in which such water has been used.

(e) Any other facts which the division may require by general regulation and which tend to prove the facts above required to be stated, the origin of water supplying any ground water source mentioned in the notice, water levels in any such source, or the extent of any ground water basin from which such water is withdrawn.

(f) Any person diverting only surface water and not more than 25 acre-feet of ground water in any year need not file such notice for such year.

Other notices

Notices, other than the first notice filed, shall state, in addition to the name of the person extracting or diverting such water:

First: The quantity of water taken from each surface and ground water source from which such person received any water in the preceding calendar year.

Second: Location of each such surface and ground water source through or by means of which water has been taken in such preceding year. This may be stated, so far as applicable, by reference to the water sources described in the original notice.

Third: If such person diverts surface water in excess of three miner's inches, such person shall further state in said notice the period or periods of such diversion, and the maximum and minimum flows so diverted in each period.

Fourth: Any other facts which the division may require by general regulation, and which tend to prove facts above required to be stated, the origin of water supplying any surface or ground water source mentioned in the notice, water levels or flow in any such source, or the extent or origin of the water source supplying the ground water supply from which such water is extracted.

Effect of failure to file notice

5003. No prescriptive right which might otherwise accrue to extract ground water shall arise or accrue to, nor shall any statute of limitations operate in regard to such ground water in the five counties or any of them after the year 1956 in favor of any person required to file such notice of extraction and diversion of water, until such person shall file with the division the first "Notice of Extraction and Diversion of Water" substantially in the form above mentioned; and as to each person who fails to file such notice by the end of the year 1957, it shall

be deemed for the period from that time until the first notice of such person is filed, that no claim of right to the extraction of ground water from any such source in the five counties has been made by such person, and that water so extracted by such person from such ground water source during such period has not been devoted to or used for any beneficial use. The beneficial use of water from any ground water source within the five counties in any year by such person shall be deemed not to exceed the quantity reported in the notice filed for such year.

5004. After the year 1959, failure to file with the division a notice for any calendar year within six months after the close of such calendar year shall be deemed equivalent for all purposes to nonuse for such year of any ground water within the five counties by each person failing to so file a notice within said period; provided, that this section and Section 5003 shall not apply to any person whose aggregate extractions of ground water in any year does not exceed 25 acre-feet nor to any extractions of ground water with respect to which no notice is required to be filed under this part.

5005. Except as specified in Section 5004, failure to file the notice or delay in filing the same shall not cause the loss of rights to ground water which existed on January 1, 1956.

Oath and fees

5006. Each notice shall be sworn to and shall be accompanied by a filing fee which shall be fixed by the division. Such filing fees shall be fixed so as to be sufficient on the average to pay the administrative expenses of the division in listing and processing notices of the character presented, and may be graduated in accordance with the number of water sources from which extractions or diversions are shown.

Investigation

5007. Any person may apply to the division to investigate the facts stated in any specified notice so filed and to state in writing its determination of the facts found by it upon such investigation. The cost of such investigation and determination shall be paid by such applicant by such deposits or in such payments as may be fixed by the division. In the event the division makes a determination which differs in any material respect from the facts contained in the notice, then, prior to making its final determination, the division shall notify both the person filing said notice and the person requesting a determination of facts of its proposed findings, and shall invite either party to submit further information prior to making its final determination, and no such final determination shall be made until sixty (60) days after the parties have been so notified of the division's proposed determination.

Notices as evidence

In any action or proceeding hereafter pending in which the facts, or any of them, contained in the notices so filed are material, such notices shall not be evidence of any fact stated therein, but such determination by the division shall be prima facie evidence of said facts.

Penalty

5008. The making of any wilful misstatement in any notice shall be a misdemeanor, punishable by a fine of not exceeding

five hundred dollars ($500) or by imprisonment in the county jail for not to exceed six months, or both.

Severability

SEC. 3. 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; and the Legislature would have enacted each section, subsection and sentence hereof independent of each other section, subsection and sentence; and would have enacted such remaining portions and each of them irrespective of such holding of unconstitutionality as any portion which may be held unconstitutional.

CHAPTER 1870

An act to amend Section 7352 of the Revenue and Taxation Code, relating to taxable distributions of motor vehicle fuel.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 7352 of the Revenue and Taxation Code is amended to read:

7352. For the purpose of the proper administration of this part and to prevent evasion of the license tax, unless the contrary is established, it shall be presumed that all motor vehicle fuel refined, manufactured, produced, blended, or compounded in this State or imported into this State and no longer in the possession of the distributor has been distributed. This presumption cannot be overcome by proof that the motor vehicle fuel has been converted to his own use by any person to whom the distributor has entrusted the control or possession of the fuel either as bailee, consignee, employee, or agent; provided, however, any such person causing a distribution by the act of converting to his own use any fuel so entrusted to him, as well as any other person receiving such fuel with the knowledge that it was so converted, shall be jointly and severally liable with the distributor for payment of the tax imposed upon such distribution, and all such persons shall be considered as distributors for the purpose of Chapter 6 of this part.

CHAPTER 1871

An act to amend Section 1743 of the Harbors and Navigation Code, relating to San Francisco Harbor.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 1743 of the Harbors and Navigation Code is amended to read:

1743. A person shall not be appointed or employed by the board by virtue of this article who is interested in any vessel sailing or plying in and out of or on the inland waters of the Bay of San Francisco, as owner, mortgagee, or otherwise, or as a stockholder in any company owning such vessels, or who is a consignee, the general or freight agent or manager of any such vessel, or agent or other employee of the owner of any such vessels, or who is engaged in the business of marine insurance, or of procuring such insurance, or who is engaged as a stevedore, in loading and discharging such vessels.

CHAPTER 1872

An act to amend Sections 830.3, 830.5 and 830.6 of, and to add Section 830.35 to, the Agricultural Code, relating to agricultural products.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 830.3 of the Agricultural Code is amended to read:

Permits to sell, etc., fruits, nuts, etc

830.3. Any commissioner may issue to any person residing in his county or maintaining a principal place of business therein a permit to sell, buy, receive, transport, deliver, or cause to be transported fruits, nuts or vegetables exempt from the standards established in this chapter, for any one or more of the purposes set forth in Section 830; but no permit shall be issued for the purpose set forth in subparagraph (a) of Section 830 unless and until the commissioner has found and determined that the packing plant from which the fruits, nuts, or vegetables are to be transported or delivered has not proper and adequate facilities for processing, grading, packing, or reconditioning the particular lot of fruits, nuts, or vegetables, and that the packing plant to which the fruits, nuts, or vegetables are to be transported has such facilities. Such permits may be issued for a period not exceeding 12 months.

No permit issued hereunder, except to the seller and the receiver, shall be valid except in the county where issued unless the permit, or a rider securely attached thereto, carries the endorsement of the commissioner of the county (1) to which the fruits, nuts, or vegetables are to be transported or delivered and (2) from which such products are to be transported or delivered.

Proof

A permittee shall, upon request of any commissioner, furnish such affidavits, receipts and other evidence as such

commissioner reasonably may require as proof that the commodities have been disposed of in accordance with the provisions of this chapter and the terms of the permit.

SEC. 2. Section 830.35 is added to said code, to read:

Revocation, etc., of permit

830.35. Any commissioner may refuse to issue or to endorse a permit described in Section 830.3 of this code, or may revoke or suspend any permit or endorsement issued by him, if after investigation and in his judgment the permittee or applicant for permit does not have available proper and adequate facilities with which to pack, process or otherwise dispose of the commodities described in Section 830 of this code in accordance with the provisions of this chapter, or if the permittee or applicant for permit has previously violated any of the provisions of this chapter or the terms of any permit issued hereunder, or has failed or refused to furnish the evidence required by the commissioner, as hereinabove provided in said Section 830.3. Any order of the commissioner refusing to endorse or issue a permit, or suspending or revoking the same shall be in writing.

Appeal

Any person may appeal to the director, within 10 days, for a hearing upon a written order of the commissioner refusing to endorse or issue a permit, or suspending or revoking the same. The proceedings for such hearing shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, except that the provisions of Sections 11505 and 11506 thereof shall not apply, and the statement of issues or accusation, as the case may be, shall be delivered or mailed to the parties as provided in Section 11509 of said code.

Construction

Nothing herein contained shall be construed to allow a permittee or applicant to operate pending the disposition of his application or petition. Nothing herein contained shall be construed to prevent the commissioner from suspending or revoking a permit forthwith, and without notice or hearing; provided, however, that such peremptory action must be supported by previous investigation, the results of which reasonably indicate to said commissioner that to allow an existing permit to remain in use pending a hearing would encourage, allow or permit additional or other violations of the provisions of this chapter.

SEC. 3. Section 830.5 of said code is amended to read:

Prohibitions

830.5. It is unlawful for any person who does not hold a valid permit issued under the provisions of Section 830.3 to sell, buy, receive, transport, deliver, or cause to be transported, any fruits, nuts, or vegetables, which are exempt from the standards established in this chapter, and which do not conform to such standards.

It is unlawful to transport any fruits, nuts, or vegetables which do not conform to such standards unless a valid permit accompanies the vehicle in which such produce is being transported, and such permit shall be submitted for inspection upon demand of any enforcing officer.

This section shall not apply to: Exemptions

(1) A common carrier operating over a regular route or between fixed termini and transporting any such fruits, nuts, or vegetables, in good faith and in accordance with its duties as a common carrier.

(2) Any person transporting fruits, nuts, or vegetables from the orchard or field where they were produced to a packing plant within the State for first processing, grading, or packing.

(3) Any person transporting fruits, nuts, or vegetables in accordance with the terms of a disposal order duly issued under the provisions of Section 830.1.

SEC. 4. Section 830.6 of said code is amended to read:

830.6. It is unlawful to sell or offer for transportation or delivery any fruits, nuts or vegetables failing to conform to the standards of this chapter to any person required to have a permit under the provisions of Section 830.5 of this code unless such person has such permit. Every person selling, delivering or receiving any such nonconforming fruits, nuts or vegetables must keep an accurate record of all such transactions in such form as the commissioner shall require. All such records shall be kept for at least one year and shall be delivered to the commissioner for his inspection on demand at any time within that period. Receiver must also have permit. Records

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CHAPTER 1873

An act to amend Section 898 of the Military and Veterans Code, relating to the Veterans' Dependents' Education Fund.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.] In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 898 of the Military and Veterans Code is amended to read:

898. The sum of three hundred thousand dollars ($300,000) is hereby annually appropriated from the receipts heretofore or hereafter collected under the provisions of Chapter 5, Statutes of 1938, or any other act under which oil royalties are or may be collected, other than those receipts received from rents, bonuses, and royalties accruing from the use of state school land, to carry out the purposes of this article. Such amount shall annually be paid into the Veterans' Dependents' Education Fund.

CHAPTER 1874

An act to amend Section 5463, 6499, 6514, 6644, and to add Section 6644.1 of the Health and Safety Code, and to amend Section 58501 of the Government Code, relating to sewers and sanitation.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 5463 of the Health and Safety Code is amended to read:

Lien for sewer construction costs

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.

As an alternative power to the enforcement of the lien provided for in this section, the governing body of the public agency performing the work of connection to the public sewer may, by order entered upon its minutes, declare that the amount of the costs of such work and the administrative expenses incurred by the governing body incident to the proceedings, together with other charges uniformly applicable within the jurisdiction of the governing body for the connection of the premises to the public sewer, shall be transmitted to the assessor and tax collector of the public agency, whereupon it shall be the duty of those officers to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel of land.

Enforcement

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.

SEC. 2. Section 6499 of said code is amended to read:

Reimbursement of county officer

6499. Any county officer required to act as an officer of the district and perform services for the district by virtue of his office, shall be entitled to reimbursement from the district for the reasonable and actual expenses incurred by him while acting on behalf of the district, to be paid into the county treasury.

SEC. 3. Section 6514 of said code is amended to read:

Acquisition of property

6514. It may, for the purposes specified in this part, acquire by purchase, gift, devise, condemnation proceedings, or otherwise, such real and personal property and rights of way, either within or without the limits of the district, as in the judgment of the board are necessary or proper to the exercise of its powers, and particularly for the purpose of permitting ingress to and egress from such real or personal property, and pay for and hold them, and it may dispose of such of its property as the board finds to be no longer required for the purposes of the district.

SEC. 4. Section 6644 of said code is amended to read:

Bonds Two-thirds vote

6644. If, at the election, two-thirds 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 order calling the election.

SEC. 5. Section 6644.1 is added to said code, to read:

Failure to attain two-thirds vote

6644.1. If at an election held pursuant to Section 6644, two-thirds of the vote cast were not in favor of the issuance of the bonds and if the health officer of the county in which the principal portion of the district is located makes a finding that the proceeds of any bond issue are necessary for the construction of sewage facilities essential to the public health, and said finding is concurred in by the board of supervisors of such county as evidenced by resolution, then by resolution adopted by a four-fifths vote, the district board may call for a bond election and provide in the resolution calling for such election that bonds for the district for the amount stated may be issued and sold if a majority of the votes cast at the election are in favor of incurring the bonded indebtedness as proposed. This section shall remain in effect until September 1, 1956.

Termination date

SEC. 6. Section 58501 of the Government Code is amended to read:

Applicability of District Investigation Law of 1933

58501. This chapter applies to all districts formed under any of the following laws:

Type of district	Citation
Fire protection	Health and Safety Code, Chapter 1, Part 3, Division 12
Sanitary	Chapter 161 of the Statutes of 1891
Public museum	Government Code, Article 6, Chapter 5, Part 2, Division 3, Title 4
Highway lighting	Streets and Highways Code, Part 4, Division 14

Library	Education Code, Chapter 4, Division 11
Boulevard	Streets and Highways Code, Part 2, Division 16
Mosquito abatement	Health and Safety Code, Chapter 5, Division 3
Local health	Health and Safety Code, Chapter 6, Part 2, Division 1
Sanitary	Chapter 480 of the Statutes of 1919
Cemetery	Health and Safety Code, Part 4, Division 8
County fire protection	Health and Safety Code, Chapter 2, Part 3, Division 12
County sanitation	Health and Safety Code, Chapter 3, Part 3, Division 5
Garbage disposal	Health and Safety Code, Chapter 1, Part 2, Division 5
Police protection	Health and Safety Code, Chapter 1, Part 1, Division 14
Public service	Labor Code, Chapter 3, Part 8, Division 2
Airport	Chapter 847 of the Statutes of 1929
Transportation	Chapter 880 of the Statutes of 1929
County fire protection	Health and Safety Code, Chapter 3, Part 3, Division 12
Memorial	Military and Veterans Code, Chapter 1, Division 6
Recreation	Public Resources Code, Article 2, Chapter 3, Division 5
Resort	Public Resources Code, Division 10
Union high school library	Education Code, Chapter 6, Division 11

CHAPTER 1875

An act to amend Sections 12359 and 12392 of the Insurance Code, relating to title insurers.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 12359 of the Insurance Code is amended to read:

Capital requirement

12359. A title insurer shall not transact any insurance in this State unless it has a paid in capital represented by shares of stock of at least two hundred fifty thousand dollars ($250,000); and provided, nevertheless, that the minimum paid in capital required of a title insurer which was operating under a certificate of authority which was in effect on July 1, 1955,

and which title insurer on such date had a paid in capital of less than two hundred fifty thousand dollars ($250,000) shall be as follows: (a) one hundred thousand dollars ($100,000) until July 1, 1958, (b) thereafter and until July 1, 1959, one hundred fifty thousand dollars ($150,000), and (c) thereafter and until July 1, 1960, two hundred thousand dollars ($200,000). After July 1, 1960, every such title insurer shall be required to have and maintain the full paid in capital of two hundred fifty thousand dollars ($250,000) otherwise required by this section.

SEC. 2. Section 12392 of said code is amended to read:

12392. If a domestic incorporated title insurer is authorized by its articles of incorporation to act as executor, administrator, guardian, assignee, receiver, depositary, agent or trustee, or to do a general trust business, and if such insurer has a capital paid in of not less than four hundred fifty thousand dollars ($450,000) it may also do business as a trust company, and maintain a trust department as well as a title insurance department, on compliance with the conditions set forth in this article; provided, however, that the minimum paid in capital required for any title insurer which maintains a trust department on July 1, 1955, and which had a paid in capital of less than four hundred fifty thousand dollars ($450,000) shall be as follows: (a) three hundred thousand dollars ($300,000) until July 1, 1958, (b) thereafter and until July 1, 1959, three hundred fifty thousand dollars ($350,000), and (c) thereafter and until July 1, 1960, four hundred thousand dollars ($400,000). After July 1, 1960, every such title insurer shall be required to have and maintain the full paid in capital of four hundred fifty thousand dollars ($450,000) otherwise required by this section.

Trust business

Capital requirement

CHAPTER 1876

An act to amend Section 9653 of the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 9653 of the Revenue and Taxation Code is amended to read:

9653. (a) This part does not apply to operators of motor vehicles operated exclusively within incorporated cities or between incorporated cities or incorporated cities and private property where no portion of the public highway outside the corporate limits of the cities is traversed in such operation.

(b) The tax does not apply to the gross receipts derived from the transportation of persons or property wholly within

incorporated cities or between incorporated cities or incorporated cities and private property or wholly on private property where no portion of the public highway outside the corporate limits of the cities or private property is traversed in such operation.

(c) If any incorporated city imposes any tax or any franchise or license fee measured by the gross receipts derived from the transportation of passengers and any operator engages in the transportation of passengers partly within and partly without the city, the tax imposed by this part does not apply to the portion of the gross receipts attributable to operations within the city and included in the measure of the city tax or fee. The amount of gross receipts to which the tax does not apply under this subdivision shall not exceed the proportion of the operator's gross receipts that the mileage operated within the city bears to the entire mileage over which the operations extend.

CHAPTER 1877

An act to amend Section 29323 of the Government Code, relating to bonds of county officers.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955]

The people of the State of California do enact as follows:

SECTION 1. Section 29323 of the Government Code is amended to read:

29323. Before any money is withdrawn from the county treasury to be placed in the revolving fund, the officer for whose use the fund is created shall file with the clerk of the board of supervisors a bond executed by himself as principal and by an admitted surety insurer, in an amount equal to that of the revolving fund. The bond shall be conditioned upon the faithful administration of the fund and upon the willingness and ability of the principal to account for and pay over the fund upon demand of the board of supervisors at any time.

In lieu of the bond provided in the preceding paragraph, any officer of the county required by statute to furnish an official bond, and any county which purchases and maintains a blanket bond on all or certain of its employees not otherwise required by statute to provide a bond, may cause such a bond or bonds to be issued or amended by endorsement to be conditioned, in addition to its other provisions, upon the faithful administration of the revolving fund and upon the willingness and ability of the principal, or principals, for whose use such a fund or funds have been established, as the case may be, to account for and pay over the fund or funds upon demand of the board of supervisors at any time.

CHAPTER 1878

An act to amend Section 69991 of the Government Code, relating to official reporters.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.] In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 69991 of the Government Code is amended to read:

69991. The duties of official reporters appointed pursuant to Section 69990 shall be performed as elsewhere provided by law. As full compensation for taking notes in criminal cases in the superior court each reporter shall receive a monthly salary of six hundred dollars ($600), except that in each county with a population of more than 70,000 and less than 73,000, as determined by the 1940 federal census, the monthly salary shall be five hundred dollars ($500). All other fees of such reporters shall be as elsewhere provided by law. In cases where it is necessary to appoint a pro tempore reporter, he shall be allowed the fees elsewhere provided by law.

CHAPTER 1879

An act to add Section 22233 to the Water Code, relating to irrigation districts.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.] In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 22233 is added to the Water Code, to read:

22233. Any district and any county may enter into a contract agreeing to pay and apportion between them the costs of locating, removing, repairing, or relocating any facilities owned or to be owned by either party on the roads or other property of the other in such proportion and upon such terms as the governing boards of the parties shall determine to be equitable.

CHAPTER 1880

An act to amend Sections 26831, 26832, and 26837 of the Government Code, relating to fees charged by the county clerk.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.] In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 26831 of the Government Code is amended to read:

Fees: First copy of record

26831. The fee for preparing a first copy of any record, proceeding, or paper on file in his office is twenty cents ($0.20) a folio or when made by a photographic process is fifty cents ($0.50) a page not exceeding 8½ inches by 13 inches in size. Pages in excess of 8½ inches by 13 inches in size shall be charged at the rate of fifty cents ($0.50) additional for each additional area 8½ inches by 13 inches or fraction thereof.

SEC. 2. Section 26832 of said code is amended to read:

Additional copies

26832. The fee for preparing an additional copy or copies of any record, proceeding, or paper on file in his office, when made at the same time as the first copy, is thirty cents ($0.30) a page not exceeding 8½ inches by 13 inches in size. Pages in excess of 8½ inches by 13 inches in size shall be charged at the rate of thirty cents ($0.30) additional for each additional area 8½ inches by 13 inches or fraction thereof.

SEC. 3. Section 26837 of said code is amended to read:

Comparison with original

26837. For comparing with the original on file in his office, the copy of any paper, record, or proceeding prepared by another and presented for his certificate, the fee is five cents ($0.05) a folio, in addition to the fee for his certificate. The minimum fee for comparing any paper, record, or copy of proceeding with the original on file in his office and affixing his certificate thereto is one dollar ($1).

CHAPTER 1881

An act to amend Section 1774 of, and to add Section 3002 to, the Government Code, relating to appointments to office by the Governor.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 1774 of the Government Code is amended to read:

1774. When an office, the appointment to which is vested in the Governor and Senate, or in the Legislature, either becomes vacant or the term of the incumbent of which expires during the recess of the Legislature or during a session of the Legislature, the Governor may appoint a person to the office. The appointee shall hold office at the pleasure of the Governor and only until the adjournment of the next session or of the current session of the Legislature, whichever first occurs. An office shall be deemed vacant within the meaning of this section if its duties are being discharged by a holdover officer pursuant to Section 1302 of this code.

SEC. 2. Section 3002 is added to the Government Code, to read:

3002. Whenever the Governor is authorized to appoint a person to an office with the advice and consent of, or subject

to confirmation by, the Senate, and no fixed term has been provided by law for such office, the Governor may at any time, without cause and without hearing, remove the incumbent from said office and fill the vacancy occasioned by such removal in the same manner as if the officer had filed his resignation in the proper office.

CHAPTER 1882

An act to add Sections 55161, 55877 and 55890.1 to the Water Code, relating to county water works districts.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 55161 is added to the Water Code, to read:

Formation of district and issuance of bonds

55161. If the board of supervisors determines that the formation petition was signed by all of the owners of the real property in the proposed district and if protests are not made to the formation of the proposed district by any of the qualified voters of the proposed district as of the date of the petition or by the owners of any property which will be subject to taxation for district purposes if the proposed district is formed, and if there are no other good and sufficient protests to the formation of the district or if there is no other cause for denying the petition, then the board of supervisors may declare the district formed and direct the issuance of bonds as provided for in the petition.

SEC. 2. Section 55877 is added to said code, to read:

Liability of annexed territory

55877. In any resolution or ordinance adopted pursuant to Section 55860 which makes the addition of the new territory conditional upon the voting and issuance of additional bonds of the district as the same will exist after the addition of the territory, or in any resolution or ordinance adopted pursuant to Section 55864 which makes the addition of the new territory conditional upon the voting and issuance of bonds of the district which shall constitute obligations chargeable exclusively to the new territory, the board may include as an additional condition of annexation a provision that if the territory is annexed to the district and such bonds are voted and issued the annexed territory shall, notwithstanding the provisions of Section 55868, not be subject to taxation for any bonds of the district or of any area previously annexed thereto theretofore authorized and theretofore or thereafter issued.

SEC. 3. Section 55890.1 is added to said code, to read:

Same

55890.1. In any resolution or ordinance adopted pursuant to Section 55860 which makes the addition of the new territory conditional upon the voting and issuance of additional bonds of the district as the same will exist after the addition of the

territory, or in any resolution or ordinance adopted pursuant to Section 55864 which makes the addition of the new territory conditional upon the voting and issuance of bonds of the district which shall constitute obligations chargeable exclusively to the new territory, the board may include as an additional condition of annexation a provision that if the territory is annexed to the district and such bonds are voted and issued the annexed territory shall, notwithstanding the provisions of Section 55890, not be subject to taxation for any bonds of the district or of any area previously annexed thereto theretofore authorized and theretofore or thereafter issued.

CHAPTER 1883

An act to add Section 187 to the Elections Code empowering the Secretary of State to call meetings of the county clerks and registrars of voters to discuss administration of the election laws and promote uniformity of procedure in such matters: Limiting the number of such meetings: Authorizing the same to be attended also by one designated deputy of each clerk or registrar; declaring expenses of such clerks, registrars and deputies in attending such meetings as a county charge, and limiting the amount thereof.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 187 is hereby added to the Elections Code, to read as follows:

187. On written call of the Secretary of State, the county clerks and registrars of voters of this State may meet with the approval of the board of supervisors, at the time and place within this State designated in said call, to discuss matters affecting the administration of the election laws and promote uniformity of procedure in such matters, and meetings shall not exceed three in any calendar year. Any deputy of a county clerk or registrar of voters, designated for the purpose by his principal, may attend such meetings, alone or with his principal. The actual and necessary expenses of the county clerk or registrar of voters, and of such deputy, incurred in traveling to and from such meetings and in attending the same, for each such officer for any one meeting, shall be a county charge of the county or city and county of such clerk or registrar, and payable as other county charges.

CHAPTER 1884

An act to amend Sections 2873.5, 2892, and 2895 of, and to add Sections 2872.1 and 2878.6 to, the Business and Professions Code, relating to vocational nursing.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 2872.1 is added to the Business and Professions Code, to read:

Out-of-state licensees

2872.1. The board upon written application and receipt of the required application fee may issue a license without examination to any applicant who possesses a valid, unrevoked license as a vocational nurse or practical nurse issued by any other state or a foreign country, and who in the opinion of the board meets all the other requirements set forth in Sections 2866 and 2873.

SEC. 2. Section 2873.5 of said code is amended to read:

Veterans

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 36 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.

SEC. 3. Section 2892 of said code is amended to read:

Renewal of licenses

2892. Prior to July 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.

Every license not renewed will expire on the thirtieth day of August of each year. It shall not be restored except upon written application, and payment of the renewal fee and the delinquent fee required by this chapter and such proof of the applicant's qualifications to be licensed as may be required by the board.

SEC. 4. Section 2895 of said code is amended to read:

Fees

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:

(a) The fee to be paid upon the filing of an application shall be fixed by the board, with the approval of the director, at not more than ten dollars ($10) nor less than five dollars ($5).

(b) The fee for any examination after the first is five dollars ($5).

(c) The renewal fee shall be fixed by the board with the approval of the director at no more than five dollars ($5) nor less than one dollar ($1). No further fee shall be required

for a license or a renewal thereof other than as prescribed by this chapter.

(d) The delinquent fee for failure to pay the annual renewal fee is three dollars ($3).

SEC. 5. Section 2878.6 is added to said code, to read:

Revocation of license for felony conviction, etc

2878.6. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

CHAPTER 1885

An act to amend Sections 4801, 4802, 4829, 4875, 4901, 4902, and 4905 of, and to add Sections 4852 and 4883 to, the Business and Professions Code, relating to veterinary medicine.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 4801 of the Business and Professions Code is amended to read:

Board members: Qualifications

4801. Each member shall be a graduate of some veterinary college authorized by law to confer degrees, a bona fide resident of this State for a period of at least five years last past before his appointment and shall have been actually engaged in the practice of his profession in this State during this period. At no time shall there be two members on the board from the same congressional district.

Maximum number of terms

No person shall serve as a member of the board for more than three consecutive terms, but this provision shall not apply to any member in office at the time this provision takes effect.

SEC. 2. Section 4802 of said code is amended to read:

Terms of office

4802. The members of the board shall hold office for a term of four years. Each member shall serve until the appointment and qualification of his successor or until six months shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. A member may be reappointed subject to the limitation contained in Section 4801. The terms of the appointive members shall expire on the

fifteenth day of January in the years and in the relative order heretofore established by law.

The Governor shall within 90 days after the effective date of this chapter appoint a member on the board to succeed the Chief of the Division of Animal Industry, California Department of Agriculture, and his term shall expire January 15, 1941. Additional member

Vacancies occurring shall be filled by appointment for the unexpired term, within 90 days after they occur. Vacancies

SEC. 3. Section 4829 of said code is amended to read:

4829. Any license granted to any person to practice veterinary medicine, or any branch thereof, in this State issued under any preceding act relating to veterinary medicine shall remain in force until the annual license fee becomes due and thereafter so long as the holder complies with the provisions of this chapter relating to the payment of an annual license fee and not otherwise. Notwithstanding the payment of this fee his license at any time may be suspended or revoked as provided in Article 4 of this chapter. Duration of license

SEC. 4. Section 4852 is added to said code, to read:

4852. Every person holding a license issued under the provisions of this chapter who changes his place of practice shall notify the board of his new address within 30 days after moving to such address. The board shall not renew the license of any person who fails to comply with the provisions of this section unless such person pays the penalty fee prescribed in Section 4905. An applicant for the annual renewal of a license shall specify in his application whether he has changed the address of his place of practice during the previous year, and the board may accept such statement as evidence of such fact. Change of address

SEC. 5. Section 4875 of said code is amended to read:

4875. The board may revoke or suspend for a certain time the license of any person to practice veterinary medicine or any branch thereof in this State after notice and hearing for any of the causes 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. Revocation or suspension of license

SEC. 6. Section 4883 is added to said code, to read:

4883. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense involving moral turpitude is deemed to be a conviction within the meaning of this article. The board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment. Conviction of felony, etc.

SEC. 7. Section 4901 of said code is amended to read:

Failure to pay fee

4901. The failure to pay the annual license fee prior to the first day of August of each year shall ipso facto work a suspension of the license held by the person failing to pay the fee and it shall not be restored except upon written application therefor to the board and the payment of an additional fee.

SEC. 8. Section 4902 of said code is amended to read:

Reinstatement

4902. The person applying for the reinstatement and for the restoration of his license shall not be required to submit to any examination on account of the suspension of his license by reason of the nonpayment of the license fee, but it is unlawful for any person, firm, or corporation to practice veterinary medicine or any branch thereof during the period that the license is suspended by reason of the nonpayment of the annual license fee.

SEC. 9. Section 4905 of said code is amended to read:

Fees

4905. The following fees shall be collected by the board and the same shall be credited to the Board of Examiners in Veterinary Medicine Contingent Fund:

(a) For filing an application for examination, twenty dollars ($20).

(b) For issuance of a certificate or license to practice veterinary medicine, five dollars ($5).

(c) For annual renewal of license, a sum to be fixed by the board annually, at not more than twelve dollars and fifty cents ($12.50) or less than seven dollars and fifty cents ($7.50).

(d) For restoration of a license lapsed or suspended for nonpayment of the renewal fee, twenty dollars ($20).

(e) For issuance of duplicate license, two dollars and fifty cents ($2.50).

(f) The board may make a charge for records, transcripts, and other official documents pertaining to the affairs of the board.

(g) For failure to report a change in the place of practice, ten dollars ($10).

CHAPTER 1886

An act to add Chapter 4 to Part 6 of Division 6 of the Water Code, relating to watershed protection flood prevention projects.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 is added to Part 6 of Division 6 of the Water Code, to read:

CHAPTER 4. WATERSHED PROTECTION FLOOD PREVENTION PROJECTS

Article 1. Short Title

12850. Chapter 4 of this part shall be known and may be cited as "The California Watershed Protection and Flood Prevention Law." Short title

Article 2. Definitions

12851. The definitions in this article govern the construction of this chapter. Definitions

12852. "Board" means the State Water Resources Board.

12853. "Lands, easements and rights of way" includes lands and rights or interests in lands whereon channel improvements and channel rectifications, debris dams and water retarding structures are located; lands, rights, or interests in lands necessary in connection with the construction, operation, or maintenance of such channel improvements and rectifications, debris dams and water retarding structures, including those necessary for flooding and flowage purposes, debris basins, 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, debris dams and water retarding structures.

12854. "Local organizations" means any county, city, state agency or public district.

Article 3. Declaration of Policy

12860. It is hereby declared that the people of the State have a primary interest in the control and conservation of floodwaters and the prevention of erosion, sediment damages and other damages by floodwaters in the watersheds of the rivers and streams of this State. Legislative declarations

12861. It is hereby declared that recurrent floods on rivers and streams of this State, causing loss of life and damage to property, disruption of commerce, interruption of transportation and communications, and wasting of water, are detrimental to the peace, health, safety and welfare of the people of the State. The control and prevention of such floods and the loss and damage caused thereby and the conservation and protection of the State's land and water resources are proper functions and activities of the State, in cooperation with counties, cities, state agencies and public districts, and in cooperation with the United States, or any of its departments or agencies.

Article 4. Declaration of Intent

12865. It is the intention of the Legislature that it will be the policy of the State to pay the costs of local cooperation Legislative intent

required by acts of Congress for the following types of watershed projects:

(a) "Pilot plant" or "experimental projects" in this State, whether commenced prior to the effective date of this chapter or not, authorized by the Department of Agriculture Appropriation Act for the fiscal year ending June 30, 1954 (Chapter 251, Public Law 156, Eighty-third Congress, First Session, approved July 28, 1953) to be carried out pursuant to Public Law 46, Seventy-fourth Congress.

(b) Any project in this State undertaken, whether prior to the effective date of this chapter or not, pursuant to the Watershed Protection and Flood Prevention Act (Public Law 566, Chapter 656, Eighty-third Congress, Second Session).

Costs of local cooperation

12866. The costs of local cooperation which the State will assume pursuant to Section 12865 shall be limited to the costs of lands, easements and rights of way.

Conditions for state payment

12867. The State shall pay the costs of lands, easements and rights of way for projects described in subsection (a) of Section 12865 only if, or to the extent that:

(a) The Secretary of Agriculture and local organizations have agreed on a plan for works of improvement pursuant to the authorization made by the Department of Agriculture Appropriation Act for the fiscal year ending June 30, 1954.

(b) Local organizations have given assurances as required by the Secretary of Agriculture relative to local participation.

(c) The board finds in its judgment that the benefits of the proposed works of improvement for an entire project or for a portion or portions thereof which constitute complete and usable independent units will reasonably exceed the costs of the entire project or of such portion or portions thereof. Cost figures based upon a reconnaisance-type survey may be used for such purpose providing the board finds that all elements of cost reasonably appear to be included and the cost figures appear reasonably accurate for the purpose of supporting a finding that total costs will be less than the total benefits for an entire project or for such portion or portions thereof that may be under consideration.

(d) The board recommends to the Legislature that an appropriation of funds be made for the entire project or for such portion or portions thereof as constitute complete and usable independent units for reallocation for payment of the costs of lands, easements and rights of way which it finds have already been incurred or which it is anticipated will be incurred during the next fiscal year.

Same

12868. The State shall pay the costs of lands, easements and rights of way for projects described in subsection (b) of Section 12865 only if, or to the extent that:

(a) The Secretary of Agriculture and local organizations have agreed on a plan for works of improvement pursuant to Public Law 566, Eighty-third Congress, Second Session.

(b) Local organizations have given the required assurances to the Secretary of Agriculture that they will:

(1) Acquire without cost to the Federal Government such land, easements, or rights of way as will be needed in connection with works of improvement installed with federal assistance;

(2) Assume such proportionate share of the cost of installing any works of improvement involving federal assistance as may be determined by the secretary to be equitable in consideration of anticipated benefits from such improvements;

(3) Make arrangements satisfactory to the secretary for defraying costs of operating and maintaining such works of improvement, in accordance with regulations presented by the Secretary of Agriculture;

(4) Acquire, or provide assurance that landowners have acquired, such water rights, pursuant to state law, as may be needed in the installation and operation of the work of improvement.

(5) Obtain agreements to carry out recommended soil conservation measures and proper farm plans from owners of not less than 50 per centum of the lands situated in the drainage area above each retention reservoir to be installed with federal assistance.

(c) The Secretary of Agriculture has determined that the benefits to be derived from the proposed works of improvement will exceed the cost.

(d) The Secretary of Agriculture has transmitted a copy of the plan and justification therefor to the Congress through the President and, where applicable, to the Secretary of the Interior and the Secretary of the Army, as required by said Public Law 566.

(e) The board finds in its judgment that the benefits of the proposed works of improvement for an entire project will reasonably exceed the costs thereof. Cost figures based upon a reconnaissance-type survey may be used for such purpose providing the board finds that all elements of cost reasonably appear to be included and the cost figures appear reasonably accurate for the purpose of supporting a finding that total costs will be less than the total benefits.

(f) The board recommends to the Legislature that an appropriation of funds be made for the project for reallocation for payment of the costs of lands, easements and rights of way which it finds have already been incurred or which it is anticipated will be incurred during the next fiscal year.

Article 5. Procedure for Allocation

12870. When local organizations have agreed with the Secretary of Agriculture upon a plan for works of improvement pursuant to the authorization contained in said Department of Agriculture Appropriation Act or in said Public Law 566 and desire financial assistance from the State pursuant to

Applications by local organizations

this chapter, they shall file an application with the board requesting the board to recommend to the Legislature that an appropriation of funds be made for the next fiscal year.

Recommendation by board.

12871. The board shall make such a recommendation to the Legislature if it finds that the requirements of Section 12867 or Section 12868 have been met.

Findings

12872. The findings of the board required by subsection (d) of Section 12867 or of subsection (f) of Section 12868 shall be based upon current cost estimates or actual costs incurred or expended.

12873. The findings of the board required by subsection (c) of Section 12867 or by subsections (a) to (e) of Section 12868 need be made only once, at the time the board first recommends an entire project or such portion or portions thereof as constitute complete and usable independent units to the Legislature, and need not be made again each year thereafter in which the board recommends an allocation of funds therefor. If conditions change so as in the judgment of the board to warrant new or different findings, the board may however make additional or contrary findings, and make recommendations thereon to the Legislature.

Reallocation of funds

12874. Money appropriated to the board for reallocation to local organizations shall be reallocated to local organizations upon order of the board after application therefor has been made to it by such local organizations showing the necessity, purpose and use to be made of the money or showing that such organizations have made necessary advances or incurred obligations for the purpose of expediting projects for which the allocation is made and giving such other information as the board may require. Such application may be filed with or as a part of the application for recommendation to the Legislature for appropriation of funds. Expenditures of the reallocated sums shall be reported to the board as and when required by it. The reports shall give such information as the board may require.

12875. The board may refuse to make any order for the reallocation of any of the funds if the provisions of this chapter are violated. The board shall render a report to the Legislature within 15 days after the commencement of each regular session respecting the expenditure of money allocated to it by the Legislature.

Report to Legislature

CHAPTER 1887

An act to amend Sections 1005.1 and 1005.2 of the Water Code, relating to underground water.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 1005.1 of the Water Code is amended to read:

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 Beneficial use

"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. "Ground water"

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. Applicability

The term "nontributary source" as used in this section shall be deemed to include water imported from another watershed, or water conserved and saved in the watershed by a water conservation plan or works without which such water of the same watershed would have wasted, or would not have reached the underground source of supply of the owner relying upon this section. "Nontributary source"

SEC. 2. Section 1005.2 of said code is amended to read:

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 replen- Beneficial use

ishment 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 reduction 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.

Applicability

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.

"Nontributary source"

The term "nontributary source" as used in this section shall be deemed to include water imported from another watershed or water conserved and saved in the watershed by a water conservation plan or works without which such water of the same watershed would have wasted, or would not have reached the underground source of supply of the owner relying upon this section.

CHAPTER 1888

An act to amend Section 20840 of the Business and Professions Code, relating to required labeling of lubricating or motor oil containers.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955]

The people of the State of California do enact as follows:

SECTION 1. Section 20840 of the Business and Professions Code is amended to read:

Signs or labels required

20840. It is unlawful for any person to sell, offer for sale, assist in the sale of, permit to be sold or offered for sale, or deliver or offer for delivery, any gasoline, distillate, kerosene, or any oil represented as lubricating or motor oil for internal combustion engines, at any place where petroleum products are kept or stored for sale, unless and until there is firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fill-pipe of each underground storage tank, from which or into which such gasoline or oil is drawn or poured out for sale or delivery, a sign or label

plainly visible consisting of the word or words in letters not less than one-half of an inch in height, "gasoline," "distillate," "kerosene," "lubricating oil" or "motor oil," as the case may be, together with the brand, trade-mark or trade name of such product, which word or words shall also be in letters of not less than one-half of an inch in height. When such sign or label is used in connection with "lubricating oil" or "motor oil," the sign or label shall also have in letters and numerals, plainly visible and not less than one-half of an inch in height, the viscosity grade classification number of the "lubricating oil" or "motor oil."

Designation of classification

The Society of Automotive Engineers grade classification number shall be determined in accordance with the Society of Automotive Engineers latest recommended practice of crankcase oil classification, and shall be preceded by the letters "S.A.E." In instances where a lubricating oil or motor oil has more than one S.A.E. grade classification number, each S.A.E. grade classification number shall be included in the labeling to comply with the provisions of this section.

Small containers

On any container with a net content of one United States gallon or less, the letters S.A.E., the brand, trade-mark or trade name, and the grade classification number and the words "motor oil" or "lubricating oil" may be painted, printed, embossed or otherwise firmly affixed on such container in letters and numerals not less than one-sixteenth inch in width and not less than one-fourth inch in height, and such designation shall constitute compliance with the provisions of this section.

CHAPTER 1889

An act to amend Section 641 of the Vehicle Code, relating to equipment of vehicles.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 641 of the Vehicle Code is amended to read:

641. Additional Regulations Governing Reflected Color Display. (a) Notwithstanding the limitations of the colors permitted for reflectors in Section 640, area reflectorizing material may be used in addition to the required reflectors in Section 621 or 621.5 in the following installations:

1. Signs required or other designations in lieu thereof as permitted in Section 599 on the sides or rear.

2. Barricade striping on the rear in alternate colors or for the delineation of the vehicle.

3. Name, legend, trademark, trade name or insignia may be used only by the manufacturer, seller, contractor or registered

owner of the vehicle; provided, that space for the use of such material on any vehicle shall not be leased, sold, or rented for advertising purposes.

4. The name, legend, trademark, trade name or insignia of any organization carrying a safety message or indicating a service rendered by such organization to the vehicle or operator may be donated to or purchased by the owner and displayed on a vehicle; provided, such name, legend, trademark, trade name or insignia shall not be in excess of 48 square inches in area.

(b) Such material shall be of a type and intensity and so installed as not to interfere with or nullify or resemble any reflector, lighting, signal or warning device required or permitted on the vehicle under this code or any other statute or regulation promulgated in conformance to any statute, nor to resemble or conflict with any traffic control device or signal, or street or highway regulatory, warning, directional or informational sign.

Red reflectorizing material shall not be used on the front of any vehicle.

CHAPTER 1890

An act to add Sections 197.5 and 2107.5 to, and to amend Section 2108 of, the Streets and Highways Code, relating to the allocation and expenditure of funds for city street purposes.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 197.5 is added to the Streets and Highways Code, to read:

Contracts for street work

197.5. Any city may have any or all of its engineering and administrative work with respect to city streets done by contract. If authorized by their legislative bodies, two or more cities, by agreement, may jointly exercise the power granted by this section pursuant to the provisions of Sections 6500-6513, inclusive, of the Government Code.

SEC. 2. Section 2107.5 is added to said code, to read:

Transfer of funds

2107.5. In addition to the amounts transferred pursuant to Section 2107, a sum sufficient to provide for the allocation of the following amounts shall be transferred to the State Highway Fund for expenditure exclusively for engineering costs and administrative expenses in respect to city streets:

(a) For each city with a population of over 500,000 inhabitants	$20,000
(b) For each city with a population of 100,000 to 500,000 inhabitants	10,000

(c) For each city with a population of 50,000 to 99,999 inhabitants	$7,500
(d) For each city with a population of 25,000 to 49,999 inhabitants	6,000
(e) For each city with a population of 20,000 to 24,999 inhabitants	5,000
(f) For each city with a population of 15,000 to 19,999 inhabitants	4,000
(g) For each city with a population of 10,000 to 14,999 inhabitants	3,000
(h) For each city with a population of 5,000 to 9,999 inhabitants	2,000
(i) For each city with a population of less than 5,000 inhabitants	1,000

Population of cities

For the purpose of this section the population in each city is that determined by the last preceding decennial or special federal census. In the case of a city incorporated subsequent to the last census, or in the case of inhabited unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the city, or of the annexed territory, by multiplying the number of registered electors therein by three. In the case of uninhabited unincorporated territory being annexed to a city subsequent to the last census, the department shall ascertain the population of the annexed territory by multiplying the number of registered electors therein by three two years after the completion of annexation proceedings.

Applicability of sections

Except as provided in this section, all other provisions of Sections 194 to 202, inclusive, shall be applicable to the expenditure of the amount transferred to the State Highway Fund pursuant to this section.

SEC. 3. Section 2108 of said code is amended to read:

Transfer of unexpended balance

2108. The balance of the moneys in the Highway Users Tax Fund after making the apportionments provided in Sections 2104 to 2107.5, inclusive, shall be transferred to the State Highway Fund for expenditure on state highways.

CHAPTER 1891

An act to repeal Part 2 of Division 11 of, and to add Part 2 to Division 11 of, the Health and Safety Code, relating to fireworks, and making an appropriation.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Part 2 of Division 11 of the Health and Safety Code is repealed.

Repeal

SEC. 2. Part 2 is added to Division 11 of the Health and Safety Code, to read:

PART 2. FIREWORKS

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

Short title

12500. This part shall be known and may be cited as the State Fireworks Law.

Construction

12501. The definitions set forth in this chapter shall govern the construction of this part, unless the context otherwise requires.

"Fireworks"

12502. "Fireworks" means blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, fire balloons (balloons of a type which have burning material of any kind attached thereto or which require fire underneath to propel them), firecrackers, torpedoes, sky rockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, but does not include toy pistols, toy canes, toy guns, or other similar devices in which paper caps containing not more than twenty-five hundredths (.25) grain of explosive compound per cap are used.

"Dangerous fireworks"

12503. "Dangerous fireworks" includes any of the following:

Pyrotechnics or fireworks containing phosphorous, sulphocyanide, mercury, magnesium, potassium picrate, gallic acid, chlorate of potash and sulfur or chlorate of potash and sugar;

Firecrackers, salutes and other explosive articles of similar nature;

Blank cartridges;

Sky rockets, including all devices which rise in the air during discharge;

Roman candles, including all devices which discharge balls of fire into the air;

Chasers, including all devices which dart or travel about the surface of the ground during discharge;

Snakes, boa constrictors and snake nests, containing bichloride of mercury;

Sparklers more than 10 inches in length or one-fourth of one inch in diameter;

All articles for pyrotechnic display, which contain gunpowder;

Articles commonly known as son-of-a-gun, devil-on-the-rock, crackit sticks and automatic torpedoes which contain arsenic;

Explosives known as devil-on-the-walk, or any other article of similar character which explodes through means of friction, and all other similar fireworks, unless otherwise designated;

Toy torpedoes of all kinds;

All pyrotechnic devices having a side fuse;

Fire balloons or balloons of any type which have burning material of any kind attached thereto;

Such other fireworks as may be designated as dangerous by the State Fire Marshal with the advice of the State Fire Advisory Board.

"Safe and sane fireworks"

12504. "Safe and sane fireworks" includes any fireworks not designated as "dangerous fireworks," except that in all cases only end fuses may be used.

12505. "Agricultural and wild life fireworks" includes fireworks designed or used to prevent damage to crops or unwanted occupancy of areas by animals or birds through the employment of sound or light, or both, whenever such fireworks are so classified by the State Fire Marshal.

"Class 1 flammable liquid"

12506. "Class 1 flammable liquid" includes any liquid whose flash point is one hundred (100) degrees Fahrenheit, or less.

"Side fuse"

12507. "Side fuse" means a fuse inserted into a pyrotechnic article or device at a point along its length.

"End fuse"

12508. "End fuse" means a fuse inserted into any pyrotechnic article or device at the end as distinguished from the side of such device.

"Public display of fireworks"

12509. "Public display of fireworks" means an entertainment feature where the public is admitted or permitted to view the display or discharge of dangerous fireworks.

"Fire nuisance"

12510. "Fire nuisance" means anything or any act which increases, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing, or extinguishing fire; or which may obstruct, delay, or hinder, or may become the cause of any obstruction, delay, suppression, or hindrance, to the prevention or extinguishment of fire.

"License"

12511. "License" means a nontransferable formal authorization which the State Fire Marshal is permitted to issue under this part to engage in the branch of pyrotechnics specifically designated therein, whether as an importer, exporter, wholesaler, retailer, manufacturer, salesman, pyrotechnic or agricultural operator, or otherwise.

"Licensee"

12512. "Licensee" means any person holding a firework license in conformance with this part.

"Permit"

12513. "Permit" means the official permission granted by the public agency having local jurisdiction to a licensee for the purposes of establishing and maintaining a place where fireworks are manufactured, constructed, produced, packaged, stored, sold, exchanged, discharged or used.

"Package"

12514. "Package" includes any case, container, or receptacle, used for holding fireworks, which is closed or sealed by tape, cordage, or by any other means.

"Person"

12515. "Person" includes any individual, firm, partnership, joint adventure, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

"Exporter" 12516. "Exporter" includes any person who sells, consigns or delivers fireworks located within this State for delivery, use, or sale without this State.

"Importer" 12517. "Importer" includes any person who for any purpose:

(a) Brings fireworks into this State or causes fireworks to be brought into this State;

(b) Procures the delivery or receives shipments of any fireworks into this State; or

(c) Buys or contracts to buy fireworks for shipment into this State.

"Manufacturer" 12518. "Manufacturer" includes any person who manufactures, makes, constructs, fabricates, or produces any fireworks article or device but does not include persons who assemble or fabricate sets or mechanical pieces in public displays of fireworks.

"Wholesaler" 12519. "Wholesaler" includes any person, other than an importer, exporter, or manufacturer selling only to wholesalers, who sells fireworks to a retailer or any other person for resale and shall also include any person who sells dangerous fireworks to public display permittees.

"Retailer" 12520. "Retailer" includes any person who, at a fixed location or place of business, sells, transfers, or gives fireworks to a consumer or user.

"Salesman" 12521. "Salesman" includes any person who, as an employee of a manufacturer or wholesaler, solicits, accepts, or receives an order for fireworks from a licensee or permittee.

"Sell," "transfer" 12522. "Sell" or "transfer" includes contracts or orders for sales or transfers.

"Pyrotechnic operator" 12523. "Pyrotechnic operator" includes any individual who by experience and training has demonstrated the required skill and ability for safely setting up and discharging public displays of dangerous fireworks.

"Within this State" 12524. "Within this State" means within all territory within the boundaries of this State.

"Without this State" 12525. "Without this State" means all territory without the boundaries of this State.

"The State Fire Marshal's Seal of Registration" 12526. "The State Fire Marshal's Seal of Registration" means the Seal of Registration of the State Fire Marshal and consists of a series of concentric circles lettered as follows:

Outer Circle
Upper Half: "REGISTERED"
Lower Half: "FIREWORKS"
Inner Circle
Upper Half: "STATE OF CALIFORNIA"
Lower Half: "STATE FIRE MARSHAL"

In the center shall appear five crossed trumpets.

Appended below the outer circle and in a central position shall be a box provided for displaying the registration number assigned by the State Fire Marshal to any registered classified fireworks manufacturer, importer, wholesaler, retailer, or other person or device governed by this part.

CHAPTER 2. ADMINISTRATION

Enforcement

12550. The State Fire Marshal shall enforce and administer this part.

Employees

12551. The State Fire Marshal shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this part.

Rules and regulations

12552. The State Fire Marshal may prescribe such rules and regulations relating to fireworks as may be necessary for the protection of life and property. The State Fire Marshal shall adopt reasonable rules and regulations not inconsistent with the provisions of this part, for the granting of permits for, and the presentation of, public displays of fireworks.

12553. The rules and regulations adopted by the State Fire Marshal relating to fireworks and in existence on the effective date of this part shall continue thereafter to be in effect as rules and regulations of the State Fire Marshal until amended or repealed pursuant to the provisions of this part.

Disposition of funds

12554. All money collected pursuant to this part shall be deposited in the General Fund.

CHAPTER 3. PERMITS

Permit required

12600. No person, without securing a permit, shall do any of the following:

(a) Manufacture, import, export, possess, or sell any fireworks at wholesale or retail for any use, including agricultural purposes or wild life control;

(b) Discharge dangerous fireworks any place;

(c) Make a public display of fireworks;

(d) Transport fireworks, except as a public carrier.

Application

12601. Any adult person or other group desiring to do any act mentioned in Section 12600 shall first make written application for a permit to the chief of the fire department or the chief fire prevention officer of the city or county, or to such other person as may be designated by the governing body of the city or county, or in the event there be no such officer or person appointed within the area, to the State Fire Marshal or his appropriate deputy. Applications for permits shall be made in writing at least 10 days in advance of the proposed display.

Investigation

12602. It shall be the duty of the officer to whom the application for a permit was made to make an investigation and submit a report of his findings and his recommendation for or against the issuance of the permit, together with his reasons therefor, to the governing body of the city or county.

Discretion to grant or deny

12603. The governing body shall have power in its discretion to grant or deny the application, subject to such reasonable conditions, if any, as it shall prescribe.

No permit without license

12604. A permit shall not be issued unless the person applying for the permit has first obtained a license from the State Fire Marshal, as provided in this part, to do the particular act or acts described in the permit. No license shall be

Exception

required for the use or discharge of agricultural and wild life fireworks.

Public display of fireworks: Investigation

12605. It shall be the duty of the officer to whom the application for a permit for a public display of fireworks is made to make an investigation as to whether such a display as proposed will be of such a character and will be so located that it may be hazardous to property or dangerous to any person, and he shall in the exercise of reasonable discretion grant or deny the application, subject to such reasonable conditions, if any, as he may prescribe.

Inspection of license

12606. The applicant for a permit for a public display of fireworks shall at the time of application submit his license for inspection and furnish proof that he carries compensation insurance for his employees as provided by the laws of this State.

Bond

He shall file with the officer to whom the application is made, a bond issued by an authorized surety company to be approved by such officer, conditioned upon the applicant's payment of all damages to persons or property which shall or may result from or be caused by such public display of fireworks, or any negligence on the part of the applicant, or his or its agents, servants, employees, or subcontractors in the presentation thereof, or a certificate evidencing the carrying of appropriate public liability insurance for the benefit of the person named therein as assured, as evidence of ability to respond in damages in at least such amount, said policies to be similarly approved.

Permit limited

12607. If a permit for the public display of fireworks is granted, the sale, possession and use of fireworks for the public display is lawful for that purpose only. No such permit granted shall be transferable.

Amount of bond and insurance

12608. In the case of an application for a permit for the public display of fireworks, the amount of such a surety bond shall be not less than ten thousand dollars ($10,000), and the amount of such insurance shall be not less than twenty thousand dollars ($20,000).

No permit without license

12609. No permit shall be granted under this chapter for any activity unless the person applying for the permit has obtained a valid license, if a license is required under this part for such activity.

CHAPTER 4. LICENSES

Issuance, etc., of licenses

12650. The State Fire Marshal shall have the power to issue and renew licenses for the manufacture, importation, exportation, sale, use and transportation of all fireworks in this State.

12651. No license shall be required for the use or discharge of agricultural and wild life fireworks.

Application

12652. Any person who desires to engage in the manufacture, importation, sale, or use of fireworks shall first make a written verified application to the State Fire Marshal on forms provided by him. Such application shall be accompanied by the annual license fee as prescribed in this chapter.

12653. The application for a license shall be signed by the applicant. If application is made by a partnership, it shall be signed by each partner of the partnership, and if application is made by a corporation, it shall be signed by an officer of the corporation and bear the seal of the corporation.

Renewal of license

12654. Application for renewal of a license shall be made annually by every person holding an existing license and accompanied by the annual license fee as prescribed in this chapter.

Issuance of licenses

12655. If the State Fire Marshal finds that the granting or renewing of such license would not be contrary to public safety or welfare, he shall issue or renew a license authorizing the applicant to engage in the particular act or acts upon the payment of the license fee specified in this chapter. Licensees may transport the class of fireworks for which they hold a valid license.

Extends to employees

12656. The authorization to engage in the particular act or acts conferred by a license to a person shall extend to salesmen and other employees of such person who are registered with the State Fire Marshal.

Fees

12657. The original and annual renewal license fee shall be as follows:

Manufacturer	$500
Importer and/or exporter	100
Wholesaler	1,000
Retailer (for each separate retail outlet)	5
Public display for dangerous fireworks	5
Pyrotechnic operator for dangerous fireworks	5

Period covered

12658. Beginning January 1, 1956, the original and annual renewal license fee shall be for the calendar year from January 1st to December 31st or for the remaining portion thereof.

Penalty fee

12659. A penalty fee equal to 50 percent of the required original and annual renewal license fee shall be added to such fee in all cases where the fee for a renewal of a license is not paid on or before April 1st.

General license

12660. Notwithstanding any of the other provisions of this part relating to public liability insurance and bonds, any adult individual, concern, firm, corporation, or copartnership may secure a general license for the public display of fireworks within the State of California subject to the provisions of this part relative to the securing of local permits for the public display of fireworks in any city or county, except that in lieu of filing the bonds or certificate of public liability insurance as required in Chapter 3 of this part, a surety bond similarly conditioned in the amount of twenty-five thousand dollars ($25,000) or a certificate evidencing public liability insurance in a like amount shall be filed with the State Fire Marshal. The State Fire Marshal shall have the authority to issue such licenses, subject to such reasonable rules and regulations which

Surety bond

he may adopt, not inconsistent with the provisions of this part.

Filing

A certificate evidencing such general license, when so obtained, shall be filed with the legislative body or officer granting a permit for the public display of fireworks prior to the issuance thereof.

Denial of application

12661. If the State Fire Marshal finds that the granting or renewing of a license would be contrary to public safety or welfare, he may deny the application for a license or a renewal of a license.

Written report

12662. A written report of the State Fire Marshal, any of his deputies or salaried assistants, or the chief of any city or county fire department or fire protection district or their authorized representatives, disclosing that the applicant for a license or for a renewal of a license, or the premises for which a license is to apply, do not meet the qualifications or conditions for a license shall constitute grounds for the denial of any application for a license or the renewal of a license.

Hearing

12663. Any applicant who has been denied a license or a renewal of a license shall be entitled to a hearing in accordance with the provisions of this part.

Revocation of license

12664. The State Fire Marshal, upon reasonable opportunity to be heard, shall revoke any license issued pursuant to this part, if he finds that:

(a) A licensee has failed to pay the original and annual renewal license fee provided in this chapter.

(b) The licensee has violated any provisions of this part or any rule or regulations made by the State Fire Marshal under and with the authority of this part.

(c) The licensee has created or caused a fire nuisance.

(d) Any licensee has failed or refused to file any required reports.

(e) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the State Fire Marshal in refusing originally to issue such license

Suspension of license

12665. The State Fire Marshal may, upon three days' notice and a hearing, suspend any license for a period not exceeding 30 days, pending investigation.

Conduct of hearings

12666. Except where a shorter time for setting the hearing is prescribed in this part, all hearings under this part shall be conducted in accordance with Chapter 5 of Part 1, Division 3, Title 2 of the Government Code and in all cases the State Fire Marshal shall have all the powers granted therein.

CHAPTER 5. ENFORCEMENT

Fireworks must be classified

12700. All fireworks, before being imported, exported, sold or offered for sale, shall be classified by the State Fire Marshal, in accordance with the provisions of this part, as being either "dangerous fireworks," "safe and sane fireworks," or "agricultural and wild life fireworks."

No sale, etc., unless classified and registered

12701. No fireworks items shall be sold, offered for sale, discharged, or transported within the State without first having been classified and registered by the State Fire Marshal. Any licensee desiring to have "safe and sane" fireworks articles classified and registered by the State Fire Marshal shall submit to his office not less than three live samples of each item for which classification is desired together with a notarized chemical analysis of the materials of such samples. Each item must be labeled as for sale and distribution together with firing instructions. Every fireworks article which has not been submitted for classification or which does not bear the classification label of the State Fire Marshal shall be considered to be "dangerous fireworks." All shipments shall be prepaid. Classification shall be limited to the products of licensed manufacturers, importers or wholesalers.

Labeling

12702. The manufacturer, importer or wholesaler shall stamp or label each case or carton of dangerous fireworks offered for sale, sold, consigned or delivered within this State for sale or use within this State as "dangerous fireworks." Each package of safe and sane fireworks shall be marked as "safe and sane fireworks" and shall bear the State Fire Marshal's classification label and license number.

Period of sale of "safe and sane" fireworks

12703. No "safe and sane" fireworks shall be sold or offered for sale at retail within this State except from 12 noon on the twenty-eighth of June to 12 noon on the sixth of July of each year.

Protective devices

12704. No "safe and sane" fireworks shall be sold or offered for sale at retail unless the fuses or other igniting devices are protected by approved protective caps or each item or group of items is enclosed or sealed in a package bearing the State Fire Marshal's Seal of Registration upon which the wholesaler's license number appears.

Cap pistols, etc

12705. Toy pistols, toy canes, toy guns, or other similar devices in which paper caps containing not more than twenty-five hundredths (.25) grain of explosive compound for each cap is used may be sold at all times unless prohibited by local ordinance.

Public displays of fireworks

12706. All public displays of fireworks shall be of such a character and so located, discharged, or fired as not to be hazardous or dangerous to persons or property.

Pyrotechnic operator

12707. Every public display of fireworks shall be handled or supervised by a competent and experienced pyrotechnic operator approved by the chief of the fire department or the chief fire prevention officer of the city or county in which the display is to be held, or by the State Fire Marshal or his authorized deputy therefor, if there be no chief of the fire department or chief fire prevention officer in the area.

Storage of fireworks

12708. It shall be unlawful for any person to store fireworks of any class without first having made a written application for and received a permit for such storage to the chief of the fire department or to the chief fire prevention officer of the city or county in which the storage is to be made,

or to the State Fire Marshal, or to such authorized deputy as may be designated for such purpose at least 10 days prior to the date of the proposed storage. If there is no chief of the fire department or chief fire prevention officer in the area, it shall be the duty of the officer to whom the application for a storage permit is made to make an investigation as to whether such storage as proposed will be of such a nature and character and will be so located as to constitute a hazard to property or be dangerous to any person, and he shall in the exercise of reasonable discretion grant or deny the application, subject to such reasonable conditions, if any, as he may prescribe.

12709. It shall be unlawful for any person to store unsold stocks of safe and sane fireworks remaining unsold after the lawful period of sale as provided in his permit except in such places of storage as the local officer issuing the permit shall approve. Unsold stocks of safe and sane fireworks remaining after the authorized retail sales period from 12 a.m. on June 28th to 12 a.m. on July 6th shall be returned on or before July 31st of the same year to the approved storage facilities of a licensed fireworks wholesaler, to a magazine or storage place approved by the chief of any city or county fire department or fire protection district, or to a place approved by the State Fire Marshal.

Sale by nonlicensee

12710. Following the revocation or voluntary surrender of, or failure to renew his license, any person in lawful possession of a lawfully acquired stock of fireworks may sell such fireworks only under supervision of the State Fire Marshal and in such a manner as he shall by rule provide and solely to persons who are authorized to buy, possess, sell, or use such fireworks.

Seizure

12711. Any fireworks not bearing the seal of approval of the State Fire Marshal which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this part or the rules or regulations of the State Fire Marshal shall be subject to seizure by the State Fire Marshal or any Deputy State Fire Marshal. Any fireworks seized under this section may be disposed of by the State Fire Marshal by summary destruction at any time subsequent to 30 days from such seizure or 10 days from the final termination of proceedings under the provisions of Section 12712, whichever is later.

Petition for return of seized fireworks

12712. Any person whose fireworks are seized under the provisions of Section 12711 may within 10 days after such seizure petition the State Fire Marshal to return the fireworks seized upon the ground that such fireworks were illegally

Hearing

or erroneously seized. Any petition filed hereunder shall be considered by the State Fire Marshal within 15 days after filing and an oral hearing granted the petitioner if requested. Notice of the decision of the State Fire Marshal shall be served upon the petitioner. The State Fire Marshal may order the fireworks seized under this chapter disposed of or returned to

the petitioner if illegally or erroneously seized. The determination of the State Fire Marshal is final unless within 60 days an action is commenced in a court of competent jurisdiction in the State of California for the recovery of the fireworks seized by the State Fire Marshal.

Removal of vehicle unlawfully transporting fireworks, etc

12713. The State Fire Marshal, and his deputies or salaried assistants, the chief of any city or county fire department or fire protection district, or any of their authorized representatives may remove any vehicle which is used unlawfully to transport fireworks or in which any fireworks are unlawfully kept, deposited or concealed, to the nearest garage or other place of safety or to a garage designated or maintained by the State Fire Marshal.

Notice

In the event that the State Fire Marshal, or any of his deputies or salaried assistants, the chief of any city or county fire department or fire protection district, or any of their authorized representatives, removes any such vehicle, he shall give the notices required of officers under Section 585 of the Vehicle Code, and the keeper of any garage in which any such vehicle is stored may have a lien thereon for his compensation for towage and for caring for and keeping safe such vehicle and may satisfy such lien upon compliance with and under the conditions stated in Section 585 of the Vehicle Code.

Examination of books and records, etc

12714. The State Fire Marshal may make an examination of the books and records of any licensee, or other person relative to fireworks, and may visit and inspect the premises of any licensee he may deem at any time necessary for the purpose of enforcing the provisions of this part. The licensee, owner, lessee, manager, or operator of any such building or premises shall permit the State Fire Marshal, his deputies, his salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect the premises at the time and for the purpose stated in this section.

Records

12715. All licensees shall maintain and make available to the State Fire Marshal full and complete records showing all production, imports, exports, purchases, sales, and consumption of fireworks items by kind and class whether dangerous fireworks, safe and sane fireworks, or agricultural and wild life fireworks.

Time of filing, payment

12716. When reports on fireworks transactions or the payments of license fees or penalties are required to be made on or by specified dates, they shall be deemed to have been made at the time they are filed with or paid to the State Fire Marshal or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment.

Supplemental reports

12717. In addition to any other reports required under this part, the State Fire Marshal may, by rule or otherwise, require additional, other, or supplemental reports from licensees and other persons and prescribe the form, including verification, of

the information to be given when filing such additional, other or supplemental reports.

License number

12718. Each bill of lading, manifest, and invoice issued to cover sales or shipments of fireworks shall bear the license number of both the seller or shipper and buyer or receiver.

CHAPTER 6. PROHIBITIONS

Sale, etc., of unclassified fireworks prohibited

12750. The sale, transportation, possession, or discharge of unclassified fireworks is prohibited.

Permit required for transfer

12751. The transfer of dangerous fireworks ownership, whether by sale at wholesale or retail, by gift or other means of conveyance of title or the delivery of any dangerous fireworks to any person in the State who does not possess and present to the seller for inspection at the time of transfer a valid license and permit, where such permit is required to purchase, possess, transport, or use dangerous fireworks, is prohibited.

Possession

12752. The unlawful possession of any class or kind of fireworks in violation of the provisions of this part shall be a misdemeanor.

12753. Possession of fireworks unmarked with the manufacturer's license number and the State Fire Marshal's classification as required by this part shall be prima facie evidence of a violation of this part.

Manufacture, sale, etc., not authorized locally

12754. Nothing in this part, or the permits issued under it, shall authorize the manufacture, sale, use or discharge of fireworks in any city or county in which such manufacture, sale, use or discharge is otherwise prohibited by law or ordinance.

Forests, fallows, etc

12755. Nothing in this part shall be construed as permitting any person to set off fireworks of any kind in forest, fallows, grass or brush covered land, either on his own land or the property of another, between April 15th and December 1st of any year, unless it is done under a written permit from the State Forester or his duly authorized agent, and in strict accordance with the terms of the permit and any other applicable law.

Transportation, etc., of certain fireworks prohibited

12756. No person shall transport, convey, or deliver any dangerous fireworks or agricultural and wild life fireworks except for licensed permittees making delivery to:

(a) Other licensed permittees;

(b) Locations of public displays of fireworks authorized under this part;

(c) Distributors outside this State; or

(d) Agricultural or wild life permittees.

Public garages, etc

12757. No person shall sell or discharge any fireworks in any public garage or public oil station or on any premises where gasoline or other Class 1 flammable liquids are stored or dispensed or where more than four motor vehicles are stored.

No sale, etc., to person not having permit

12758. No person shall sell or transfer any "dangerous fireworks" to any person who is not a fireworks permittee as provided for by this part.

12759. No person shall sell or transfer any "safe and sane fireworks" to a consumer or user thereof other than at a fixed place of business of a retailer for which a license and permit have been issued. Fixed place of business

12760. No person shall allow any rubbish to accumulate in any premises when any fireworks are stored or sold or permit a fire nuisance to exist. Rubbish

12761. This part does not prohibit any manufacturer, wholesaler, dealer or jobber, having a license and a permit secured under the provisions of this part, from: Acts not prohibited

(a) Manufacturing or selling any kind of fireworks for direct shipment out of this State.

(b) Manufacturing or selling at wholesale any dangerous fireworks to persons holding permits hereunder.

(c) Selling blank cartridges for use by persons for bona fide ceremonial purposes, athletic or sports events, or military ceremonials or demonstrations.

(d) Selling dangerous fireworks to persons having a license and a permit for public displays of fireworks.

12762. This part does not prohibit the use of torpedoes, flares, or fuses by motor vehicles, railroads, or other transportation agencies for signal purposes or illumination.

12763. This part does not prohibit the assembling, compounding, use and display of fireworks of whatever nature by any person engaged in the production of motion pictures, theatricals, or operas when such use and display is a necessary part of the production and such person possesses a valid permit to purchase, possess, transport or use dangerous fireworks.

CHAPTER 7. PENALTIES

12800. Any person violating any of the provisions of this part or any rules or regulations issued thereunder is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars ($500) nor more than one thousand dollars ($1,000), or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment. Penalties

12801. A person is guilty of a separate offense for each day during which he commits, continues, or permits a violation of any provision of, or any order, rule, or regulation made pursuant to, this part.

SEC. 3. The sum of thirteen thousand dollars ($13,000) is hereby appropriated from the General Fund to the State Fire Marshal for the administration and enforcement of the State Fireworks Law, to be expended during the 1955-56 Fiscal Year. Appropriation

CHAPTER 1892

An act to amend Sections 6534.6 and 6627.5 of the Business and Professions Code, relating to barbers and barber colleges.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 6534.6 of the Business and Professions Code is amended to read:

Separate certificates, etc., required

6534.6. For the purposes of this chapter and the regulations of the board, each separate location at which the practice of barbering or any part thereof is taught shall be considered to be a separate college, and a separate certificate shall be required for each. However, facilities at which the practice of barbering or any part thereof is taught which are operated or maintained by a college in the same central area as the main establishment of the college shall not be deemed, for the purposes of this chapter, to be a separate college. No such facility shall be operated or maintained by a college until and unless each such facility has been inspected and approved by the board in the same manner as is required before a certificate to operate a college may be issued, the fee prescribed by this chapter paid, and a certificate to operate and maintain the particular facility is issued by the board. All other provisions of this chapter governing the operation and maintenance of colleges, except as expressly otherwise provided, shall apply to each such facility as if the facility were a separate college, but in no case shall a student who has filed an application for enrollment or attendance at a college be required to file another application to attend any facility of such college.

SEC. 2. Section 6627.5 of said code is amended to read:

Time for renewal of certificates

6627.5. (a) Application for renewal of a certificate of registration for a barber college shall be made annually on or before August 1st, accompanied by the renewal fee required by this chapter. A certificate which has not been renewed during the month of August expires August 30th and may be restored only upon payment of the restoration fee required by this chapter.

(b) Application for renewal of a certificate to operate a facility at which the practice of barbering or any part thereof is taught by a college in the same central area as the main establishment of the college shall be made annually on or before August 1st, accompanied by the renewal fee required by this chapter. A certificate which has not been renewed during the month of August expires August 30th and may be restored only upon payment of the restoration fee required by this section.

Fees

The fee for the issuance of a certificate to operate and maintain a facility at which the practice of barbering or any

part thereof is taught by a college in the same central area of the main establishment of the college is one hundred dollars ($100). The annual renewal fee for such certificate is one hundred dollars ($100), and the fee for the restoration of an expired certificate is two hundred dollars ($200).

CHAPTER 1893

An act to amend Section 372 of the Vehicle Code, relating to weight fees for commercial vehicles.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 372 of the Vehicle Code is amended to read:

372. Weight Fees for Commercial Vehicles. (a) In addition to the registration fee specified in Section 370, there shall be paid fees as set forth in this section for the registration of every vehicle of a type subject to registration used or maintained for the transportation of persons for hire, compensation or profit or designed, used or maintained primarily for the transportation of property. This section does not include vehicles designed to transport property which are used exclusively to transport passengers without the owner thereof receiving compensation or profit for said transportation.

Weight fees for commercial vehicles

(b) For any electric vehicle designed, used or maintained as described in subdivision (a) hereof fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	Less than 6,000 lbs.	$48.00
(2)	6,000 lbs. or more but less than 10,000 lbs.	96.00
(3)	10,000 lbs. or more	128.00

(c) For any motor vehicle having not more than two axles and designed, used or maintained as described in subdivision (a) hereof, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	3,000 lbs. to and including 4,000 lbs.	$14.00
(2)	4,001 lbs. to and including 5,000 lbs.	27.00
(3)	5,001 lbs. to and including 6,000 lbs.	40.00
(4)	6,001 lbs. to and including 7,000 lbs.	54.00
(5)	7,001 lbs. to and including 8,000 lbs.	67.00
(6)	8,001 lbs. to and including 9,000 lbs.	80.00
(7)	9,001 lbs. to and including 10,000 lbs.	94.00
(8)	10,001 lbs. to and including 11,000 lbs.	107.00
(9)	11,001 lbs. to and including 12,000 lbs.	120.00
(10)	12,001 lbs. to and including 13,000 lbs.	134.00
(11)	13,001 lbs. to and including 14,000 lbs.	147.00
(12)	14,001 lbs. and over	160.00

(d) For any motor vehicle having three or more axles or for any trailer, semitrailer, pole or pipe dolly, or other dolly designed, used or maintained as described in subdivision (a) hereof, other than an electric vehicle, fees shall be paid for registration according to the following schedule:

	Unladen weight	Fee
(1)	2,000 lbs. to and including 3,000 lbs.	$11.00
(2)	3,001 lbs. to and including 4,000 lbs.	20.00
(3)	4,001 lbs. to and including 5,000 lbs.	40.00
(4)	5,001 lbs. to and including 6,000 lbs.	60.00
(5)	6,001 lbs. to and including 7,000 lbs.	80.00
(6)	7,001 lbs. to and including 8,000 lbs.	100.00
(7)	8,001 lbs. to and including 9,000 lbs.	120.00
(8)	9,001 lbs. to and including 10,000 lbs.	140.00
(9)	10,001 lbs. to and including 11,000 lbs.	160.00
(10)	11,001 lbs. to and including 12,000 lbs.	180 00
(11)	12,001 lbs. to and including 13,000 lbs.	200 00
(12)	13,001 lbs. to and including 14,000 lbs.	220.00
(13)	14,001 lbs. to and including 15,000 lbs.	240.00
(14)	15,001 lbs. and over	267.00

Termination date

(e) This section shall apply to the registration of every vehicle of a type subject to its provisions until December 31, 1959, and not thereafter.

Operative date

SEC. 2. This act shall become operative January 1, 1956.

CHAPTER 1894

An act to add Section 9268 to the Public Resources Code, relating to soil conservation districts.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 9268 is added to the Public Resources Code, to read:

9268. The directors may appoint one from among themselves to promote wildlife conservation in the district and to engage in wildlife conservation activities in connection with the activities of the district. The director so appointed shall be responsible to and serve at the pleasure of the directors and shall be designated as the district wildlife conservation director. He may appoint a committee of persons to assist him in carrying out his purposes and duties as district wildlife conservation director, and such committee shall be known as the district wildlife conservation committee.

The district wildlife conservation director may receive gifts and grants of money and property of any nature from any source for wildlife conservation purposes, to be held by him in trust for such purposes. Subject to the approval of the directors, he may expend all such money and may use, convey, sell, rent, or lease all such property for wildlife conservation purposes. At least once each year, and upon relinquishing the office of district wildlife conservation director, he shall render an accounting to the directors of all money and property received and expended or conveyed by him during the period covered by such accounting. The district wildlife conservation director shall give a bond in the sum of two thousand dollars ($2,000) for the faithful performance of his duties.

CHAPTER 1895

An act to add Section 26909 to the Government Code, relating to the auditing of the financial affairs of special purpose assessing or taxing districts.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 26909 is added to the Government Code, to read:

26909. (a) The county auditor shall make an annual audit on forms prescribed by the State Controller of the books, accounts, records, papers, money and securities of every special purpose assessing or taxing district within the county either whose funds are kept in the county treasury or for which the board of supervisors acts as the governing body.

(b) The county auditor shall make an annual audit on forms prescribed by the State Controller of the books, accounts, records, papers, money and securities of every other special purpose assessing or taxing district for which such an audit by a qualified public accountant is not otherwise provided.

(c) Where an audit of a district's books, accounts, records, papers, money and securities is made by a public accountant, a report thereof shall be filed with the county auditor of the county in which the district is located.

(d) Any costs incurred by the county auditor, including contracts with, or employment of, qualified public accountants, in making an audit of any district pursuant to this section shall be borne by the district and be a charge against any unencumbered funds of the district available for the purpose.

CHAPTER 1896

An act to amend Section 2393 of the Business and Professions Code, relating to the healing arts.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955]

The people of the State of California do enact as follows:

SECTION 1. Section 2393 of the Business and Professions Code is amended to read:

Use of fictitious, etc , names

2393. The use of any fictitious, false or assumed name, or any name other than his own, by the holder of any certificate, either alone or in conjunction with a partnership group, in any sign or advertisement in connection with his practice, or in any advertisement or announcement of his practice, or in any public announcement of his practice, except as hereinafter expressly permitted, constitutes unprofessional conduct within the meaning of this chapter. Holders of physicians' and surgeons' certificates and holders of certificates to practice chiropody issued under this chapter may practice, within the scope of their respective certificates, in partnerships or groups of physicians and surgeons or of chiropodists, respectively.

Any physician and surgeon or partnership or group of physicians and surgeons, or any chiropodist or partnership or group of chiropodists, engaging in practice under any name that would otherwise be a violation of this section may practice under such name if, and only if, such individual, partnership or group holds an outstanding and unrevoked permit issued by the board under the provisions of this section.

Permits to use

The board shall issue written permits authorizing the holder to use a name specified in the permit in connection with his or their practice if, and only if, the board finds to its satisfaction that:

(a) The applicant or applicants are either duly licensed physicians and surgeons or chiropodists, as the case may be:

(b) The place or establishment, or the portion thereof, in which the applicant or applicants practice, is owned or leased by the applicant or applicants, and the practice conducted at such place or establishment, or portion thereof, is wholly owned and entirely controlled by the applicant or applicants.

(c) The name under which the applicant or applicants propose to operate contains at least one of the following designations: "Medical Group," "Medical Clinic," "Chiropodists' Group" or "Chiropodists' Clinic";

(d) All licensed persons practicing at the location designated in the application hold valid and outstanding licenses and that no charges of unprofessional conduct are pending against any person practicing at such location.

Permits issued under this section shall expire on December 31st of each year, and may be renewed by the board on payment of the fee equal to the annual tax and registration fee payable by licentiates under this chapter. Expiration and renewal of permits

Any permit issued under this section may be revoked or suspended at any time that the board finds that any one of the requirements for original issuance of a permit is no longer being fulfilled by the individual or group to whom the permit was issued. Proceedings for revocation or suspension shall be governed by the Administrative Procedure Act. Revocation or suspension of permits

In the event charges of unprofessional conduct are filed against the holder of a permit issued under this section, or a partnership or a member of a group to whom a permit has been issued under this section, proceedings shall not be commenced for revocation or suspension of the permit until final determination of such charges of unprofessional conduct and unless such charges have resulted in revocation of license.

The amendments to this section enacted at the 1955 Regular Session of the Legislature shall not be applicable to establishments licensed under Chapter 1 of Division 2 of the Health and Safety Code. Applicability of amendments

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CHAPTER 1897

An act to add Section 14645 to the Education Code, relating to employment of retired teachers.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 14645 is added to the Education Code, to read:

14645. Notwithstanding any provision of law to the contrary, any person who retired for service may be employed as a substitute teacher for not to exceed 90 teaching days in any one fiscal year and may be paid not to exceed one thousand five hundred dollars ($1,500) in any one fiscal year. Such employment shall not operate to reinstate the teacher as a member of this system, or to terminate or suspend his retirement allowance, and no deductions shall be made from his salary as contributions to this system. Such person may be re-employed only if able to pass a physical examination prescribed by the State Board of Education.

CHAPTER 1898

An act to add Section 13672.1 to the Education Code, relating to the Public School System.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 13672.1 is added to the Education Code, to read:

13672.1. The governing board of any school district may provide for such leave of absence from duty as it deems appropriate for any female employee of the district who is employed in a position requiring certification qualifications and who is required to absent herself from her duties because of pregnancy, and may adopt rules and regulations prescribing the manner of proof of pregnancy, the point during the course of the pregnancy at which leave of absence shall be taken and the amount to be deducted from the salary due the employee for the period in which the absence occurs.

Nothing in this section shall be construed so as to deprive any employee of sick leave rights under other sections of this code for absences due to illness or injury resulting from pregnancy.

The leave provided for in this section is in addition to any other leave provided for by law.

CHAPTER 1899

An act to amend Sections 401 and 419 of the Education Code, relating to the Public School System.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 401 of the Education Code is amended to read:

Salaries, Los Angeles County Superintendent of Schools

401. The annual salary of the county superintendent of schools of a county of the first class is eighteen thousand dollars ($18,000), and he shall possess a valid general administrative credential issued by the State Board of Education.

SEC. 2. Section 419 of said code is amended to read:

Solano County Superintendent of Schools

419. The annual salary of the county superintendent of schools of a county of the nineteenth class is nine thousand six hundred dollars ($9,600), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

CHAPTER 1900

An act to add Section 31676.95 to the Government Code, relating to the County Employees' Retirement System.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 31676.95 is added to the Government Code, to read:

31676.95. In every county coming under the provisions of Section 31676.1 subsequent to January 1, 1953, every current service pension and prior service pension payable for time commencing on the effective date of this section to any member who was retired prior to said effective date by reason of having attained the age of compulsory retirement, is hereby increased to the amount it would be if the provisions of this chapter, including Sections 31676.1 and 31760.1, as they existed on the date that Section 31676.1 became applicable to the members' retirement system, 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 county or district for any increase in any pension paid or payable for time prior to its effective date. Calculations of pensions under this section shall be made on the basis of current interest rate and mortality tables.

This section shall not apply to any retirement system established under the provisions of this chapter, nor to the members or retired members of any such system unless and until the governing board of the county or district covered by such retirement system elects to be subject to the provisions of this section in the manner provided by Article 2 of this chapter with respect to the establishment of a retirement system hereunder; except that an election among the employees is not required.

CHAPTER 1901

An act to amend Section 9084.5 of the Insurance Code, relating to fraternal fire insurers.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 9084.5 of the Insurance Code is amended to read:

9084.5. Such association shall not write insurance in excess of eight thousand dollars ($8,000) on any one risk nor in

excess of thirty thousand dollars ($30,000) in any one city block within an incorporated city without immediately reinsuring all the excess amount. An association may write insurance for an amount not exceeding thirty thousand dollars ($30,000) on any one risk, if the excess over eight thousand dollars ($8,000) is reinsured as provided in this section. Such associations may not accept reinsurance but may reinsure risks if such reinsurance is by contracts and with reinsurers which meet the standards therefor prescribed in Sections 922.1 to 922.8.

CHAPTER 1902

An act to add Section 20354.2 to the Education Code, relating to the leasing of state college property.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 20354.2 is added to the Education Code, to read:

20354.2. The Director of Education, with the approval of the Director of Finance, may lease land of a state college to any nonprofit organization, including but not limited to fraternities, sororities, and student clubs, for the purpose of constructing and using thereon buildings as living quarters for students of the state college and buildings as meeting places for organizations composed of students of the state college. Such leases shall be for a period of not to exceed 99 years and otherwise upon such terms and conditions as shall be in the best interest of the State.

CHAPTER 1903

An act to amend Section 28121 of the Government Code, and Section 421 of the Education Code, relating to compensation for public service in counties of the twenty-first class.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 28121 of the Government Code is amended to read:

Santa Barbara County Compensation for services

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:

(a) The auditor, eight thousand seven hundred dollars ($8,700) a year. He shall devote his full working time to the duties of his office.

(b) The district attorney, twelve thousand dollars ($12,000) 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, six thousand dollars ($6,000) 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 travel expenses shall be allowed.

(d) Grand jurors, six dollars ($6), trial jurors in the superior court, five dollars ($5) and trial jurors in justice courts, four dollars ($4), 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.

SEC. 2. Section 421 of the Education Code is amended to read:

421. The annual salary of the county superintendent of schools of a county of the twenty-first class is eight thousand four hundred dollars ($8,400), and he shall possess a valid elementary or secondary administrative credential issued by the State Board of Education.

CHAPTER 1904

An act to amend Section 6040 of the Insurance Code, relating to county mutual insurers.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 6040 of the Insurance Code is amended to read:

6040. Such insurer may issue policies on dwellings, schoolhouses, churches, fraternal or lodge halls, community, creamery, or farm buildings and property contained in or on such premises or owned by the insured and stored in public or private warehouses.

CHAPTER 1905

An act to amend Section 9603 of the Revenue and Taxation Code, relating to the motor vehicle transportation license tax.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 9603 of the Revenue and Taxation Code is amended to read:

9603. "Operator" includes:

(a) Any person engaging in the transportation of persons or property for hire or compensation by or upon a motor vehicle upon any public highway in this State, either directly or indirectly.

(b) Any person who for compensation furnishes any motor vehicle for the transportation of persons or property under a lease or rental agreement when such person operates the motor vehicle furnished or exercises any control of, or assumes any responsibility for the operation of the vehicle irrespective of whether the vehicle is driven by such person or the person to whom the vehicle is furnished, or engages either in whole or in part in, the transportation of persons or property in the motor vehicle furnished.

"Operator" does not include any of the following:

(a) Any person transporting his own property in a motor vehicle owned or operated by him unless he makes a specific charge for the transportation. This subdivision does not in any way limit any other exemption granted by this section.

(b) Any farmer, resident of this State, who occasionally transports property for other farmers, or who transports his own farm products, or who transports laborers to and from farm work incidentally in his farming operations.

(c) Any nonprofit agricultural cooperative association, organized and acting within the scope of its powers under Chapter 4 of Division 6 of the Agricultural Code, to the extent only that it is engaged in the transporting of its own property or the property of its members.

(d) Any person whose sole transportation of persons or property for hire or compensation consists of the transportation of children to or from any public or nonprofit private school and whose total compensation from all sources for providing such transportation does not exceed one hundred dollars ($100) in any calendar month.

(e) Any person engaged in the business of operating a hearse or other vehicle in a procession to a burial ground or place of interment and from the burial ground or place of interment to a garage or place of storage.

(f) Any registered owner of a pleasure vehicle who, while operating the vehicle, transports persons to his work or to a place through which he passes on the way to his work, whether for or without compensation, if he is not in the business of furnishing such transportation.

(g) Any person engaged in the business of collecting and disposing of garbage, rubbish or waste, and who transports any such matter in a motor vehicle owned or operated by him, unless he makes a separate or specific charge for transportation. It is hereby declared that any such business is one substantially affecting the public health and welfare.

CHAPTER 1906

An act to add Section 71145.1 to the Government Code, relating to the office of judge of municipal court.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7 1955

The people of the State of California do enact as follows:

SECTION 1. Section 71145.1 is added to the Government Code, to read:

71145.1. Notwithstanding any provision to the contrary, the term of any judge who was elected as one of the first judges of a municipal court with two judges established under the Municipal Court Act of 1925, and who automatically succeeded to the office of judge of the municipal court which superseded such municipal court to which such judge was elected, shall be six years from the date upon which his term of office commenced unless such term expires in a year when no general state election is held, in which case, the judge shall continue to hold office until his successor is elected at the general state election next succeeding the expiration of his term, and until such successor qualifies.

CHAPTER 1907

An act to add Section 20396.4 to the Education Code, relating to the separation of employees of state colleges.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 20396.4 is added to the Education Code, to read:

20396.4. Absence without leave, whether voluntary or involuntary, for five consecutive working days is an automatic resignation from state service, as of the last date on which the employee worked.

A permanent or probationary employee may within 90 days of the effective date of such separation file a written request with the State Personnel Board for reinstatement; provided, that if the appointing authority has notified the employee of his automatic resignation, any request for reinstatement must be in writing and filed within 15 days of the service of notice of separation. Notice may be personally served or it may be served by mail to the last known residence or business address of the addressee and is complete on mailing. Proof of service, either personal or by mail, shall be made by affidavit. Reinstatement may be granted only if the employee makes a

satisfactory explanation to the board as to the cause of his absence and his failure to obtain leave therefor, and the board finds that he is ready, able, and willing to resume the discharge of the duties of his position or, if not, that he has obtained the consent of his appointing power to a leave of absence to commence upon reinstatement.

An employee so reinstated shall not be paid salary for the period of his absence or separation or for any portion thereof.

CHAPTER 1908

An act to amend the heading of Division 8 of, and to add Chapter 3 to Division 8 of, the Vehicle Code, relating to parking lots.

In effect September 7, 1955

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Division 8 of the Vehicle Code is amended to read:

DIVISION 8. GARAGES, REPAIR SHOPS, SERVICE STATIONS, PARKING LOTS, AND PRIVATE BUILDINGS

SEC. 2. Chapter 3 is added to Division 8 of said code, to read:

CHAPTER 3. PARKING LOTS

Prohibited practices Misdemeanor

444. Prohibited Practices. Every person engaged in the operation of off-street parking facilities is guilty of a misdemeanor, who:

(a) Fails to keep a schedule of his parking charges prominently displayed so as to be readily ascertainable by his patrons. Such charges shall be for an hourly or half-hourly period and for half-hour or greater periods after the first hour or half-hour.

(b) Charges or attempts to charge a patron an additional fee for the use of his facilities for a period of six minutes or less in excess of the period for which a particular fee is charged. The half-hour fee shall be charged for use of such facilities for a period of more than six minutes and less than 30 minutes in excess of the period for which a particular fee is charged.

This subdivision does not apply unless the charges exceed twenty-five cents ($0.25) per hour or portion thereof.

(c) Increases or attempts to increase the fee charged a patron for the use of his parking facilities within the period during which the patron is using the parking facilities, unless the

schedule of parking charges displayed at the time the patron commences to use the facilities indicates the increased charges and the periods during which they are in effect.

(d) Fails to post the closing hour of his parking facilities.

444.1. Attendants. No person engaged in the operation of off-street parking facilities shall hire or retain in his employment an attendant whose duties involve the moving of motor vehicles, unless such attendant, at all times during his employment, is duly licensed as an operator or as a chauffeur under the provisions of this code. Any person who violates the provisions of this section is guilty of a misdemeanor. Attendants

444.2. Application of Chapter. The provisions of this chapter shall be applicable only in cities having a population of over 2,000,000 inhabitants. Application

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CHAPTER 1909

An act to amend Section 26004 of the Business and Professions Code, relating to the Alcoholic Rehabilitation Commission.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 26004 of the Business and Professions Code is amended to read:

26004. The commission shall investigate, study, and engage in all phases of the treatment and rehabilitation of alcoholics, and shall investigate and study other factors necessary to the reduction and prevention of chronic alcoholism and other excessive uses of alcohol, and shall submit its first report to the Governor and the Legislature prior to March 1, 1957, and shall submit a final report with recommendations to the Governor and the Legislature prior to March 1, 1959. The commission shall cease to exist on June 30, 1959.

CHAPTER 1910

An act to amend Section 13031 of the Education Code, relating to qualifications of certificated personnel.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 13031 of the Education Code is amended to read:

13031. Governing boards of school districts shall employ for positions requiring certification qualifications, only per-

sons who possess the qualifications therefor prescribed by law. It shall be contrary to the public policy of this State for any person or persons charged, by said governing boards, with the responsibility of recommending such persons for employment by said boards to refuse or to fail to do so for reasons of race, color, religious creed, or national origin of said applicants for such employment.

CHAPTER 1911

An act to amend Sections 31530, 31557, 31558, 31559, 31560, and 31860 of the Streets and Highways Code, and to add Sections 31569.1 and 31593 to said code, relating to vehicle parking districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955]

The people of the State of California do enact as follows:

SECTION 1. Section 31530 of the Streets and Highways Code is amended to read:

Petition

31530. The formation of a vehicle parking district may be proposed by petition signed by the owners of land in the proposed district, as shown by the last equalized assessment roll of the county in which the proposed district lies, owning lands of an assessed value of not less than fifty-one percent (51%) of the total assessed value of all land in the district, as shown by the last equalized county assessment roll, which lands also constitute more than one-half of the area of all land in the proposed district.

SEC. 2. Section 31557 of said code is amended to read:

Hearing

31557. At the hearing the legislative body may decrease, change or otherwise modify the acquisitions or improvements proposed by the ordinance of intention.

SEC. 3. Section 31558 of said code is amended to read:

Notice

31558. The legislative body shall not decrease, change or otherwise modify the proposed acquisition or improvement except after notice of intention to do so given by the clerk by one insertion in the newspaper in which the ordinance of intention was published. The term "decrease, change or otherwise modify" includes the substitution of additional acquisitions or improvements in lieu of acquisitions or improvements eliminated.

SEC. 4. Section 31559 of said code is amended to read:

Contents

31559. The notice shall:

(a) Describe generally the decrease, change or other modification proposed to be made.

(b) State the estimated addition or reduction in the costs and expenses as a result thereof.

(c) Specify the time for hearing objections, which shall be at least 15 days after publication of the notice.

SEC. 5. Section 31560 of said code is amended to read:

Decrease, change, etc., of improvement, etc

31560. The legislative body shall not decrease, change or otherwise modify the acquisition or improvement unless, following the hearing, it:

(a) Determines that all of the lands in the proposed district will be benefited by the resulting acquisition and improvement, or

(b) Excludes from the district all land which in its opinion will not be benefited by the resulting acquisition and improvement.

SEC. 6. Section 31569.1 is added to said code, to read:

Petition

31569.1. A petition for the formation of a district may request that if the petition is signed by owners, as defined in Section 31530, owning lands and improvements thereon of an assessed value of not less than sixty percent (60%) of the total assessed value of all lands in the district and the improvements thereon, as defined in Section 31530, which lands also constitute more than one-half of the area of all lands in the proposed district, then in lieu of the limit provided by Section 31569, the limit on the assessment shall be an amount not exceeding thirty-five percent (35%) of the assessed valuation of all land in the district subject to assessment and all improvements on such land, as shown by the last equalized county assessment roll at the date the assessment is confirmed. If the petition contains such request and if the legislative body determines that such petition is signed as specified in such request, then the limit stated in this section shall be substituted for the limit stated in Section 31569. In the case of any district to which the limit stated in this section has become applicable, the limit referred to in Section 31863 shall likewise be thirty-five percent (35%) of the assessed valuation of all land in the district subject to assessment and all improvements on such land.

SEC. 7. Section 31593 is added to said code, to read:

Decrease, change, etc., of improvement, etc

31593. If at any time subsequent to the adoption of the ordinance ordering the acquisition and improvement and declaring the district formed the legislative body determines that the limit on the assessment imposed by Section 31569 or Section 31569.1, as the case may be, will prevent the making of all the acquisitions and improvements so ordered the legislative body may decrease, change or otherwise modify the acquisition and improvement after notice and hearing in the same manner as provided in Sections 31557 to 31560. In proceedings under this section no change shall be made in the boundaries of the district and the legislative body shall not decrease, change or otherwise modify the acquisition and improvement unless following the hearing it determines by a four-fifths vote of all its members that all of the lands in the district will be benefited by the acquisition and improvement

remaining after such decrease, change or modification. Any such decrease, change or modification shall be ordered by an ordinance amending the ordinance ordering the acquisition and improvement and declaring the district formed, and thereafter further proceedings under this part shall be taken pursuant to such ordinance as amended. The term "decrease, change or otherwise modify" includes the substitution of additional acquisitions or improvements in lieu of acquisitions or improvements eliminated. If a condemnation action has been brought on any property eliminated, such action may be dismissed as to the property eliminated even though an interlocutory judgment has been entered, and a further condemnation action may be brought as to any property substituted for any property eliminated.

SEC. 8. Section 31860 of said code is amended to read:

Revenues from parking meters

31860. At any time, either before or after the formation of the district, the legislative body may provide by ordinance that, for a period specified in the ordinance but not exceeding 20 years from its effective date, all or any specified amount, portion or percentage of revenues derived by the city from parking meters on streets within the district shall be used for the purposes specified in the ordinance which may include the acquisition, improvement, maintenance, repair, and operation of parking places for the use and benefit of the district. The purposes specified in the ordinance may also include the application of such revenues as a credit upon the levied assessments in the same manner as is provided in Sections 31828, 31829 and 31830. From the effective date of the ordinance such revenues shall for the period specified be placed in such fund or funds of the district as the board of commissioners specify and may be expended only for the purposes specified in the ordinance.

Urgency

SEC. 9. 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 constantly increasing traffic congestion in the State of California and particularly in its urban areas brings death or injury to many persons each day. Traffic congestion detrimental to the public safety is in some measure caused by the inability of the operators of motor vehicles to find quickly and easily a place to park. The provisions of this act are necessary to expedite the formation of parking districts to provide parking places in such congested areas and it is therefore necessary that this act take effect immediately.

CHAPTER 1912

An act to amend Section 438 of the Streets and Highways Code, relating to state highways.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.] In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 438 of the Streets and Highways Code is amended to read:

438. Route 138 is from:

(a) Route 41 near Mendota to Route 10 near Oilfields.

(b) Route 10 near Coalinga to Route 57 near Maricopa.

(c) Route 2 near Ventura to Route 57 in Cuyama Valley.

CHAPTER 1913

An act to amend Sections 74341, 74342, 74343, 74344, 74345, 74346, and 74350 of the Government Code, relating to the municipal court established in a district embracing the City of San Diego.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.] In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 74341 of the Government Code is amended to read:

74341. There shall be eight judges each of whom shall receive annually the same salary received by judges of the municipal court in the judicial district embracing the City of Los Angeles. Judges' Salary

SEC. 2. Section 74342 of the Government Code is amended to read:

74342. There shall be one clerk who shall be appointed by the judges of the court. He shall receive seven hundred fifty dollars ($750) a month. Clerk' Appointment, compensation

SEC. 3. Section 74343 of said code is amended to read:

74343. The clerk may appoint:

(a) One deputy clerk, who shall be chief clerk of the criminal division and who shall receive five hundred ninety dollars ($590) a month. Deputy clerks' Same

(b) One deputy clerk who shall be chief clerk of the civil division, and who shall receive four hundred sixty-five dollars ($465) a month.

(c) One deputy clerk who shall be chief clerk of the traffic division, and who shall receive four hundred sixty-five dollars ($465) a month.

(d) One deputy clerk who shall be chief clerk of the accounting division, and who shall receive four hundred sixty-five dollars ($465) a month.

(e) Four deputy clerks (assistant chief clerk of division), each of whom shall receive four hundred forty dollars ($440) a month.

(f) Fifteen deputy clerks IV, each of whom shall receive three hundred ninety-five dollars ($395) a month as a beginning salary, with an increment to four hundred twenty dollars ($420) a month after one year's service.

(g) Fifteen deputy clerks III, each of whom shall receive three hundred sixty dollars ($360) a month as a beginning salary, with an increment to three hundred eighty dollars ($380) a month after one year's service.

(h) Ten deputy clerks II, each of whom shall receive three hundred ten dollars ($310) a month as a beginning salary, with an increment to three hundred twenty-five dollars ($325) a month after one year's service, and a further increment to three hundred forty-five dollars ($345) a month after an additional year's service.

(i) Thirty-two deputy clerks I, each of whom shall receive two hundred sixty-five dollars ($265) a month as a beginning salary, with an increment to two hundred eighty dollars ($280) a month after six months' service, and a further increment to two hundred ninety-five dollars ($295) a month after an additional year's service.

SEC. 4. Section 74344 of said code is amended to read:

Marshal Appointment, compensation

74344. There shall be one marshal to be appointed by the judges of the court who shall receive seven hundred fifty dollars ($750) a month.

SEC. 5. Section 74345 of said code is amended to read:

74345. The marshal may appoint:

Deputy marshals Same

(a) One assistant marshal who shall receive five hundred thirty dollars ($530) a month as a beginning salary, with an increment to five hundred sixty dollars ($560) a month after one year's service, and a further increment to five hundred ninety dollars ($590) a month after an additional year's service.

(b) Two deputy marshals (lieutenant), each of whom shall receive five hundred dollars ($500) a month.

(c) Three deputy marshals (sergeant), each of whom shall receive four hundred sixty-five dollars ($465) a month.

(d) One deputy marshal (chief bailiff), who shall receive four hundred forty dollars ($440) a month.

(e) One deputy marshal (female), who shall receive three hundred eighty dollars ($380) a month as a beginning salary, with an increment to four hundred dollars ($400) a month after six months' service, and a further increment to four hundred twenty dollars ($420) a month after an additional one year's service.

(f) Eighteen senior deputy marshals, each of whom shall receive three hundred eighty dollars ($380) a month as a be-

ginning salary, with an increment to four hundred dollars ($400) a month after six months' service, and a further increment to four hundred twenty dollars ($420) a month after an additional one year's service.

(g) Four deputy marshals (stenographer), each of whom shall receive three hundred dollars ($300) as a beginning salary, with an increment to three hundred fifteen dollars ($315) a month after six months' service, and a further increment to three hundred thirty dollars ($330) a month after an additional year's service.

SEC. 6. Section 74346 of said code is amended to read:

74346. 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 three hundred dollars ($300) a month as a beginning salary, with an increment to three hundred fifteen dollars ($315) a month after a six months' service, and a further increment to three hundred thirty dollars ($330) a month after an additional one year's service. Court matron: Appointment, salary

SEC. 7. Section 74350 of said code is amended to read:

74350. All persons holding positions on the ninety-first day after the 1955 Regular Session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service. Increments

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CHAPTER 1914

An act to add Sections 10202.81 and 10270.51 to the California Insurance Code, relating to group insurance.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 10202.81 is added to the Insurance Code, to read:

10202.81. Any provision of the law to the contrary notwithstanding, political subdivisions of the State and any municipality, may provide for the type of insurance set forth in Section 10202.8 of this code the same as any private employer and may contribute to a fund established under such section the same as any private employer.

SEC. 2. Section 10270.51 is added to the Insurance Code, to read:

10270.51. Any provision of the law to the contrary notwithstanding, political subdivisions of the State and any municipality, may provide for the type of insurance set forth in Section 10270 5 of this code the same as any private employer and may contribute to a fund established under such section the same as any private employer.

CHAPTER 1915

An act to add Section 9653.5 to the Revenue and Taxation Code, relating to taxes on motor vehicles.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 9653.5 is added to the Revenue and Taxation Code, to read:

9653.5. For the purposes of Section 9653, all portions of a public highway lying within the external boundary of a city shall be deemed to be within its corporate limits and any internal boundary shall be ignored.

CHAPTER 1916

An act to amend Sections 18100 and 18101 of the Government Code and to add Section 18102.5 to the Government Code, relative to sick leave for state employees.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 18100 of the Government Code is hereby amended to read:

Sick leave

18100. Following completion of six months of continuous service, except as otherwise provided in Section 18102.5 of the Government Code, each state officer and employee who is employed full time shall be allowed six days of credit for sick leave with pay. Thereafter, one day of credit for sick leave with pay shall be allowed for each additional calendar month of service, on the submission of satisfactory proof of the necessity for sick leave as provided by rule of the State Personnel Board. For purposes of computing sick leave, each employee shall be considered to work not more than five days each week. The State Personnel Board shall provide by rule for the regulation and method of accumulation of sick leave for civil service employees, and may provide sick leave for those who work less than full time. It shall be within the discretion of the State Personnel Board to count breaks in service of 10 working days or less as continuous service for purposes of allowing credit for sick leave.

SEC. 2. Section 18101 of the Government Code is hereby amended to read:

18101. Sick leave may be accumulated, and no additional sick leave with pay beyond that accumulated shall be granted, except as provided in Section 18102.5 of the Government Code.

SEC. 3. Section 18102.5 is hereby added to the Government Code, to read:

18102.5. Notwithstanding any other provision of the law to the contrary, a state officer or employee who is entitled to temporary disability indemnity under Division 4 or Division 4.5 of the Labor Code as a result of an industrial accident occurring during a period of employment for which he is not earning sick leave credit shall have sick leave credit of one day for each completed month of service during the time that he is not earning sick leave credit. If the employee is disabled because of an industrial injury arising out of said employment during said period the employee may elect to draw sick leave credit during such period of disability, such credit not to exceed one day of sick leave for each completed month of service that he is not earning sick leave credit and not to exceed a total of six days. If sick leave is so drawn the credit so drawn shall be subtracted from the six days permitted pursuant to the provisions of this chapter upon completion of six months continuous service. Temporary disability indemnity

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CHAPTER 1917

An act to amend Section 7717 of the Education Code, relating to school district public works.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.] In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 7717 of the Education Code is amended to read:

7717. No apportionment shall be made for new construction which, when added to the area of adequate school construction existing in the applicant school district at the time of application, will provide a total area of school building construction per unit of average daily attendance of the estimated average daily attendance in excess of that computed as follows: Apportionment for new construction

(1) For junior high schools comprising grades 7 to 9 or 7 to 10 in districts with an estimated average daily attendance of 750 or more, a maximum of 75 square feet per unit of estimated average daily attendance. Junior high schools

(2) For high schools comprising grades 7 to 12, 9 to 12, or 10 to 12 in districts with an estimated average daily attendance of 0 to 700, the Department of Education shall determine the maximum allowable building area; provided, that such area shall not exceed that which a proper interpolation of the following table would provide. High schools

Estimated average daily attendance	Maximum allowable building area
0 to 50	18,000 square feet
100	26,100
150	32,100
200	36,000
250	39,300
300	41,700
350	44,000
400	45,800
450	47,500
500	49,200
550	51,800
600	54,000
650	57,000
700	60,000

(3) For high schools comprising grades 7 to 12, 9 to 12, or 10 to 12 in districts with an estimated average daily attendance of 700 or more, a maximum basic allowance of 4,000 square feet of building area plus a maximum of 80 square feet of building area per unit of estimated average daily attendance.

Junior colleges

(4) The total area of school building construction for junior colleges comprising grades 13 and 14 or 11 to 14 will be computed on the same basis of area per unit of estimated average daily attendance as shown under subsections 2 and 3 for high schools.

Elementary schools

Elementary schools in a district comprising any combination of grades from kindergarten through the eighth grade with a total estimated district average daily attendance in kindergarten and grades 1 to 6, inclusive, of 300 or more, shall be allowed 55 square feet per unit of average daily attendance in kindergarten and grades 1 to 6, inclusive, and 75 square feet per unit of average daily attendance in grades 7 and 8.

Additional building area

To the building area permitted to an applicant school district by this section, there may be added such additional building area as may be required to provide adequate facilities for exceptional children pursuant to Article 3 of this chapter.

Smaller schools

The maximum total building areas per unit of average daily attendance allowed to applicants having elementary schools with smaller estimated average daily attendance than shown in the above schedule shall be determined by the Department of Education, and shall be building areas to provide comparable facilities to those enumerated above, and shall be the least building area required to house adequately the estimated average daily attendance and the normal instructional and other services.

Duration of estimates

No estimate of average daily attendance made by an applicant for the purpose of justifying an apportionment shall be made for a longer time than the second fiscal year beyond the fiscal year in which an application is made, except that an

estimate for the purpose of justifying an apportionment for a grade level maintained by a high school district or unified district, composed of grades 7 to 12, inclusive, 9 to 12, inclusive, or 7 to 10 inclusive, shall not be made for a longer time than the fourth fiscal year beyond the fiscal year in which the application is made. In no case shall an estimate be given effect unless approved by the Department of Education.

CHAPTER 1918

An act to amend Sections 73642, 73643, 73644, 73645, 73952, 73953, 73954, 73955, 73957, 74742, 74743, 74744, and 74745 of, to add Sections 73648, 73649, 73958, and 74748 to, the Government Code, relating to municipal courts in the South Bay Judicial District and in the districts embracing the Township of El Cajon and the Township of Oceanside.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955.]

In effect September 7 1955

The people of the State of California do enact as follows:

SECTION 1. Section 73642 of the Government Code is amended to read:

73642. There shall be one clerk, who shall receive a monthly salary as provided in Schedule No. 5 of Section 73649. Clerk Salary

SEC. 2. Section 73643 of said code is amended to read:

73643. The clerk may appoint:

(a) One senior deputy clerk who shall receive a monthly salary as provided in Schedule No. 4 of Section 73649. Deputy clerks

(b) Four deputy clerks, each of whom shall receive a monthly salary as provided in Schedule No. 3 of Section 73649.

(c) Two junior deputy clerks, each of whom shall receive a monthly salary as provided in Schedule No. 1 of Section 73649.

SEC 3. Section 73644 of said code is amended to read:

73644. There shall be one marshal, who shall receive a monthly salary as provided in Schedule No. 5 of Section 73649. Marshal

SEC. 4. Section 73645 of said code is amended to read:

73645. The marshal may appoint:

(a) Three deputy marshals, each of whom shall receive a monthly salary as provided in Schedule No. 4 of Section 73649. Deputy marshals

(b) One general clerk, who shall receive a monthly salary as provided in Schedule No. 2 of Section 73649. General clerk

(c) One deputy clerk, who shall receive a monthly salary as provided in Schedule No. 1 of Section 73649. Deputy clerk

SEC. 5. Section 73648 is added to said code, to read:

73648. (a) All persons holding positions on the ninety-first day after final adjournment of the 1955 Regular Session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for con- Increments

tinuous prior service in such positions in the court. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

Officers, attaches

(b) All officers and attaches appointed to positions in the court shall be entitled to all the benefits of the civil service provisions afforded the classified personnel in the employ of the County of San Diego. They shall also be entitled to, and subject to, retirement and health service benefits extended to such classified personnel.

San Diego County Appointments

(c) Notwithstanding the provisions of Section 71183 of the Government Code, a person appointed by the marshal or clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the ninety-first day after the final adjournment of a regular session of the Legislature, may be appointed by such marshal or clerk to a like permanent position in such marshal's office or clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in such marshal's office or clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

Titles of positions

(d) Where in the clerk's office or marshal's office titles of positions in effect immediately prior to the ninety-first day after the final adjournment of the 1955 Regular Session of the Legislature are changed, such positions shall be grouped under the titles enumerated in Sections 73642, 73643, 73644 and 73645 as follows:

The position of deputy clerk shall include the former position of junior deputy clerk.

The position of junior deputy clerk shall be considered a new position and shall not include any former position.

The position of general clerk shall include the former position of stenographer-clerk.

SEC. 6. Section 73649 is added to said code, to read:

Compensation of clerk, marshal

73649. The compensation of the clerk and marshal of the municipal court and their deputies shall be as follows:

Schedule	A	B	C
1	$265	$280	$295
2	280	310	340
3	325	340	360
4	380	400	420
5	500	530	560

Step "A" shall be the minimum starting compensation and after six months of satisfactory work in this classification shall be advanced to step "B" and after 12 months of satisfactory work shall be advanced to step "C."

SEC. 7. Section 73952 of said code is amended to read:

73952. There shall be one clerk, who shall receive a monthly salary as provided in Schedule No. 5 of Section 73649. Clerk Salary

SEC. 8. Section 73953 of said code is amended to read:

73953. The clerk may appoint:

(a) One senior deputy clerk who shall receive a monthly salary as provided in Schedule No. 4 of Section 73649. Deputy clerks

(b) Four deputy clerks, each of whom shall receive a monthly salary as provided in Schedule No. 3 of Section 73649.

(c) Two junior deputy clerks, each of whom shall receive a monthly salary as provided in Schedule No. 1 of Section 73649.

SEC. 9. Section 73954 of said code is amended to read:

73954. There shall be one marshal, who shall receive a monthly salary as provided in Schedule No. 5 of Section 73649. Marshal. Salary

SEC. 10. Section 73955 of said code is amended to read:

73955. The marshal may appoint:

(a) Three deputy marshals, each of whom shall receive a monthly salary as provided in Schedule No. 4 of Section 73649. Deputy marshals

(b) One general clerk, who shall receive a monthly salary as provided in Schedule No. 2 of Section 73649. General clerk

(c) One deputy clerk, who shall receive a monthly salary as provided in Schedule No. 1 of Section 73649. Deputy clerk

SEC. 11. Section 73957 of said code is amended to read:

73957. The municipal court shall hold sessions in either the City of Oceanside, or the City of Carlsbad, as the Board of Supervisors of the County of San Diego shall determine. Court sessions

SEC. 12. Section 73958 is added to said code, to read:

73958. (a) All persons holding positions on the ninety-first day after the final adjournment of the 1955 Regular Session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service. Increments

(b) All officers and attaches appointed to positions in the court shall be entitled to all the benefits of the civil service provisions afforded the classified personnel in the employ of the County of San Diego. They shall also be entitled to, and subject to, retirement and health service benefits extended to such classified personnel. Officers, attaches

(c) Notwithstanding the provisions of Section 71183 of the Government Code, a person appointed by the marshal or clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the ninety-first day after the final adjournment of a regular session of the Legislature, may be appointed by such marshal or clerk to a like permanent position in such marshal's office or clerk's office without further examination, qualification or certification on San Diego County Appointments

a civil service eligible list; provided, that the number of such positions in such marshal's office or clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

Titles of positions

(d) Where in the clerk's office or marshal's office titles of positions in effect immediately prior to the ninety-first day after the final adjournment of the 1955 Regular Session of the Legislature are changed, such positions shall be grouped under the titles enumerated in Sections 73952, 73953, 73954 and 73955 as follows:

The position of deputy clerk shall include the former position of junior deputy clerk.

The position of junior deputy clerk shall be considered a new position and shall not include any former position.

SEC. 13. Section 74742 of said code is amended to read:

Clerk: Salary

74742. There shall be one clerk, who shall receive a monthly salary as provided in Schedule No. 5 of Section 73649.

SEC. 14. Section 74743 of said code is amended to read:

74743. The clerk may appoint:

Deputy clerks

(a) One senior deputy clerk who shall receive a monthly salary as provided in Schedule No. 4 of Section 73649.

(b) Four deputy clerks, each of whom shall receive a monthly salary as provided in Schedule No. 3 of Section 73649.

(c) Two junior deputy clerks, each of whom shall receive a monthly salary as provided in Schedule No. 1 of Section 73649.

SEC. 15. Section 74744 of said code is amended to read:

Marshal

74744. There shall be one marshal, who shall receive a monthly salary as provided in Schedule No. 5 of Section 73649.

SEC. 16. Section 74745 of said code is amended to read:

74745. The marshal may appoint:

Deputy marshals

(a) Three deputy marshals, each of whom shall receive a monthly salary as provided in Schedule No. 4 of Section 73649.

General clerk

(b) One general clerk, who shall receive a monthly salary as provided in Schedule No. 2 of Section 73649.

Deputy clerk

(c) One deputy clerk, who shall receive a monthly salary as provided in Schedule No. 1 of Section 73649.

SEC. 17. Section 74748 is added to said code, to read:

Increments

74748. (a) All persons holding positions on the ninety-first day after final adjournment of the 1955 Regular Session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

Officers, attaches

(b) All officers and attaches appointed to positions in the court shall be entitled to all the benefits of the civil service positions afforded the classified personnel in the employ of the County of San Diego. They shall also be entitled to, and subject to, retirement and health service benefits extended to such classified personnel.

(c) Notwithstanding the provisions of Section 71183 of the Government Code, a person appointed by the marshal or clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the ninety-first day after the final adjournment of a regular session of the Legislature, may be appointed by such marshal or clerk to a like permanent position in such marshal's office or clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in such marshal's office or clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position. San Diego County Appointments

(d) Where in the clerk's office or marshal's office titles of positions in effect immediately prior to the ninety-first day after the final adjournment of the 1955 Regular Session of the Legislature are changed, such positions shall be grouped under the titles enumerated in Sections 74742, 74743, 74744 and 74745 as follows: Titles of positions

The position of junior deputy clerk shall include the former position of deputy clerk and typist-clerk.

The position of junior deputy clerk shall be considered a new position and shall not include any former position.

The position of general clerk shall include the position of deputy clerk serving as ex officio deputy marshal as provided in Section 71182 of the Government Code.

CHAPTER 1919

An act to amend Section 73392 and repeal Section 73393 of, and add Section 73393 to, the Government Code, relating to the municipal court established in the Alviso-San Jose District.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 73392 of the Government Code is amended to read:

73392. There shall be one clerk who shall also act as secretary to the judges and who shall receive a minimum salary of five hundred fifty-three dollars ($553) monthly with annual increments of twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), and thirty-two dollars ($32), to a maximum of six hundred seventy-three dollars ($673) monthly.

SEC. 2. Section 73393 of said code is repealed.

SEC. 3. Section 73393 is added to said code, to read:

73393. The clerk may appoint:

(a) One chief deputy court clerk who shall be chief deputy clerk and the deputy clerk now holding the position of principal clerk shall be deemed to be the chief deputy clerk who shall receive a minimum salary of four hundred twelve dollars ($412) monthly with annual increments of twenty-one dollars ($21), twenty-two dollars ($22), twenty-three dollars ($23), twenty-four dollars ($24), to a maximum of five hundred two dollars ($502).

(b) Seven deputy court clerks, Grade III, each of whom shall receive a minimum salary of three hundred twenty-two dollars ($322) monthly with annual increments of sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), and nineteen dollars ($19) to a maximum of three hundred ninety-two dollars ($392) monthly.

(c) Ten deputy court clerks, Grade II, each of whom shall receive a minimum salary of two hundred sixty-five dollars ($265) monthly with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) to a maximum of three hundred twenty-two dollars ($322) monthly.

(d) Three deputy court clerks, Grade I, each of whom shall receive a minimum salary of two hundred twenty-nine dollars ($229) monthly with annual increments of eleven dollars ($11), twelve dollars ($12), thirteen dollars ($13), and thirteen dollars ($13) to a maximum of two hundred seventy-eight dollars ($278) monthly.

CHAPTER 1920

An act to add Sections 7192, 5058.1, and 7731.1 to the Education Code, relating to school apportionments.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 7192 is added to the Education Code, to read:

Refund, apportionment

7192. Notwithstanding any provision of law to the contrary, whenever in any fiscal year, pursuant to Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code, a refund is made or a judgment rendered, as the case may be, for the return of an amount collected as school district taxes levied during a previous year upon secured or unsecured personal property, because it was determined that such property was exempt from taxation, and such property so determined to be exempt equals 1 percent, or more, of the assessed valuation in the school district upon which school district taxes for such

previous year were levied, the Superintendent of Public Instruction shall add to the apportionment from the State School Fund to the district during the fiscal year or years, as determined by him, next succeeding that in which such refund was made or judgment rendered, the additional amount to which the district would have been entitled in the fiscal year next succeeding that for which such taxes were levied had the assessment roll upon which such district taxes were levied not included an amount of assessed valuation equal to the amount of assessed valuation of the property so determined to be exempt.

Any such additional amount shall be apportioned from the State School Fund before any other apportionment from such fund is made and shall be allowed from any portion of such fund except that portion reserved as allowances for basic state aid.

SEC. 2. Section 5058.1 is added to said code, to read:

5058.1. Notwithstanding any provision of law to the contrary, whenever in any fiscal year, pursuant to Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code, a refund is made or a judgment rendered, as the case may be, for the return of an amount collected as school district taxes levied during a previous year upon secured or unsecured personal property, because it was determined that such property was exempt from taxation, and such property so determined to be exempt equals 1 percent, or more, of the assessed valuation in the school district upon which school district taxes for such previous year were levied, the Controller shall reduce the annual repayment of the district and the amount deducted from the State School Fund apportionment of such district for the fiscal year next succeeding that in which such refund was made or judgment rendered, by that amount by which the annual repayment and deduction of the district would have been reduced for the fiscal year next succeeding that in which such taxes were levied had the assessed valuation upon which such annual repayment was computed not included an amount of assessed valuation equal to the amount of assessed valuation of the property so determined to be exempt. Same

The amount of annual repayment and deduction, reduced as required by this section, shall be the amount deducted by the Controller for the purposes of Sections 5058, 5062, and 5063 for the fiscal year in which such reduction is made.

SEC. 3. Section 7731.1 is added to said code, to read:

7731.1. Notwithstanding any provision of law to the contrary, whenever in any fiscal year, pursuant to Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code, a refund is made or a judgment rendered, as the case may be, for the return of an amount collected as school district taxes levied during a previous year upon secured or unsecured personal property, because it was determined that such property was exempt from taxation, and such property so determined to be Same

exempt equals 1 percent, or more, of the assessed valuation in the school district upon which school district taxes for such previous year were levied, the Controller shall reduce the annual repayment of the district and the amount deducted from the State School Fund apportionment of such district for the fiscal year next succeeding that in which such refund was made or judgment rendered, by that amount by which the annual repayment and deduction of the district would have been reduced for the fiscal year next succeeding that in which such taxes were levied had the assessed valuation upon which such annual repayment was computed not included an amount of assessed valuation equal to the amount of assessed valuation of the property so determined to be exempt.

The amount of annual repayment and deduction, reduced as required by this section, shall be the amount deducted by the Controller for the purposes of Sections 7731, 7735, and 7736 for the fiscal year in which such reduction is made.

CHAPTER 1921

An act to add Section 203.8 to the Welfare and Institutions Code, relating to payment for hospitalization furnished by another county.

In effect September 7, 1955

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 203.8 is added to the Welfare and Institutions Code, to read:

203.8. The county to which a recipient of aid under the provisions of Chapter 1 of Part 2 of Division 2, Chapter 1 of Division 3, or Division 5 and the needy relative in the case of aid to needy children, has removed shall provide the necessary medical or hospital care, or both, if needed during the one-year period of establishment of residence under Sections 1527, 2200, 3090 and 3450 notwithstanding the provisions of Section 203.7 of this code.

CHAPTER 1922

An act to add Chapter 10 to Part 3, Division 5 of the Health and Safety Code, relating to regional sewage disposal districts.

In effect September 7, 1955

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 10 is added to Part 3, Division 5 of the Health and Safety Code, to read:

CHAPTER 10. REGIONAL SEWAGE DISPOSAL DISTRICTS

Article 1. General Provisions

Short title

5900. This chapter may be cited as the Regional Sewage Disposal District Act.

Definitions

5901. Unless the provision or context otherwise requires, definitions contained in this article govern the construction of this chapter.

5902. "Regional district" means a regional sewage disposal district organized or proposed to be organized pursuant to this chapter.

5903. "Public agency" means and includes any county sanitation district, sanitary district, sewer maintenance district, sewer district, city organized under a freeholders' charter or under general law, or any other governmental agency which maintains or operates sewers or other facilities for the collection and disposal of sewage.

5904. "Directors" means the board of directors of the regional district.

5905. "Governing board" means the governing board of the public agency.

5906. "Sewage system" means all or any of the following:

(a) Sewage treatment plants.

(b) Sewage treatment works.

(c) Intercepting sewers.

(d) Outfall sewers.

(e) Force mains.

(f) Pumping stations or plants.

(g) Appurtenances useful or convenient for the interception, measurement, treatment, purification or disposal of sewage.

(h) All necessary lands and rights of way.

Article 2. Organization

Organization

5920. A regional district may be organized and established under this chapter by two or more public agencies; provided, said agencies have a combined total assessed valuation of all taxable real property of not less than one hundred million dollars ($100,000,000). The public agencies need not be contiguous, and when so organized and established, the regional district shall be a separate and independent political corporate entity and shall exercise the powers herein expressly granted, together with such implied powers as are necessary to carry out the objects and purposes of the regional district. A public agency, upon becoming a member of the regional district, shall retain its separate identity and shall, without change, continue in existence.

Article 3. Creation

Creation Resolution, etc

5940. A regional district may be created when the governing board of any public agency passes an initiating resolution or ordinance reciting the following matters:

(a) That the public interest or necessity requires the creation of a regional district for the acquisition, operation, administration or construction of a sewage system for the collection, treatment and disposal of sewage originating within the regional district.

(b) The names of the public agencies proposed to be included within the regional district.

(c) A general description of the exterior boundaries of the proposed regional district, accompanied by a map delineating said exterior boundaries.

(d) The name of the proposed regional district.

Copies

5941. Certified copies of said resolution or ordinance shall be presented to the board of supervisors of the county within which such public agencies are located. The clerk of the board of supervisors shall forthwith transmit a certified copy of said resolution or ordinance to each of the public agencies named therein.

Approval or rejection

5942. Upon receipt of the certified copy of said resolution or ordinance, each public agency named therein shall consider the advisability of joining said proposed regional district and adopt either an ordinance or resolution rejecting or approving the proposal.

5943. Failure of a public agency to adopt a resolution or ordinance within 90 days after receipt of the certified copy of the said resolution or ordinance from the clerk of the board of supervisors shall be conclusively deemed a rejection of the proposal.

Copy to clerk

5944. After adoption of the ordinance or resolution consenting to the inclusion of the public agency in the proposed regional district, the clerk of the approving governing board shall immediately transmit a certified copy of the approving ordinance or resolution to the clerk of the board of supervisors.

Report

5945. The clerk of the board of supervisors shall, within not more than 120 days nor less than 90 days from the date the initiating resolution or ordinance was presented to the board of supervisors as prescribed in Section 5941 of this article, report to the board of supervisors the names of those public agencies which shall have adopted or rejected the proposal to form a regional district.

Establishment of district· Resolution

5946. The board of supervisors, at its next regular meeting after receipt of the report by the clerk of the board of supervisors, shall, by resolution, establish and create the regional district to consist of those public agencies which have consented to inclusion therein; provided, that the two or more public agencies so consenting have a combined total assessed valuation of taxable real property of not less than one hun-

dred million dollars ($100,000,000) as determined by the last equalized assessment roll of the county.

Contents

5947. The resolution of the board of supervisors creating said regional district shall set forth all of the following:

(a) The exterior boundaries of the district as determined by the inclusion of those public agencies consenting to be included within said regional district.

(b) The name of each public agency comprising said regional district.

(c) The name of the regional district.

Conclusive evidence

The resolution creating said regional district is conclusive evidence of the regularity of all prior proceedings, and any legal proceeding attacking the validity of the creation of said regional district shall be commenced within three months from the date of the resolution establishing said regional district. If no such legal proceeding is so commenced, the establishment and legal existence of the regional district shall be held to be valid and, in every respect, legal and incontestable.

Resolution copies

5948. The clerk of the board of supervisors shall immediately transmit certified copies of the resolution of the board of supervisors creating the regional district, to the State Board of Equalization of the State of California, and to the county assessor pursuant to Sections 54900 to 54905, inclusive, of the Government Code.

Construction

5949. The regional district formed or proposed to be formed under this chapter is not subject to the District Investigation Act of 1933.

Board of directors

5960. All powers, privileges and duties vested in or imposed upon the regional district as incorporated under this chapter shall be exercised and performed by and through a board of directors.

Members

5961. The board of directors shall consist of one representative from each public agency, the area of which lies within the regional district.

Vacancy

5962. If a vacancy occurs on the district board, the body having original authority to make the appointment shall immediately appoint a successor to fill the vacancy.

Voting

5963. As a member of the board of directors, each representative shall be entitled to vote on all questions, orders, resolutions, ordinances, and other matters coming before the board, and shall be entitled to cast one vote for each one million dollars ($1,000,000) of assessed valuation of all taxable real property, or major fractional part thereof, in the public agency represented by it; provided, that each representative shall have at least one vote. In order to determine voting representation, the assessed valuation of all taxable real property of the member public agencies shall be determined every five (5) years, commencing with the date of the first meeting of the board of directors of the regional district, and such determination shall be based upon the assessed valuation of all taxable real property of the member public agencies as shown by the last equalized assessment roll of the county within which such public

agencies are located and evidenced by the certificate of the county controller or auditor. The affirmative votes of members representing more than fifty percent (50%) 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.

Call by clerk

5964. Members of the first board of directors so constituted shall convene at the call of the clerk of the board of supervisors of the county in the chambers of the board of supervisors at the county seat of said county, or at such other convenient place within the county designated in such call.

First meeting

5965. At the first meeting of the regional district at which a quorum is present, the members shall elect a chairman and a vice chairman from among its membership. They shall appoint a secretary who need not be a member. The secretary shall perform the duties prescribed by the board.

Governing body of district

5966. The district board constitutes the legislative and governing body of the regional district, and shall determine all questions of policy. The board shall supervise, maintain, operate, and regulate all sewage systems owned and operated by the regional district.

Office

5967. By resolution, the district board shall fix a place within the regional district for the transaction of business.

Rules

5968. The district board may make necessary rules relative to the orderly transaction of its business and the business of the regional district.

Change in personnel of board, effective date

5969. If additional public agencies are included within the regional district resulting in a condition which makes it necessary for a change to be made in the membership of the district board, the change in the membership of the district board takes place and becomes effective immediately upon the inclusion of any such public agency.

Compensation

5970. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his services for each meeting attended by him; provided, that said compensation shall not exceed twenty-five dollars ($25) for each meeting of the district board attended by him, together with expenses necessarily incurred by him in traveling between his place of residence and the place of meeting. No member shall receive compensation for attending more than three meetings of the board during any calendar month. The compensation provided in this section shall be in addition to any other fees or compensation allowed by law.

Article 5. Powers of the Regional District

Powers

5990. The regional district shall have the following powers:

(a) To have perpetual succession.

(b) To sue and be sued, except as otherwise provided by this chapter or other law, in all actions and proceedings, in all courts of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

5991. The regional district may:

(a) Take by grant, purchase, gift, devise, or lease.

(b) Condemn in proceedings under eminent domain.

(c) Otherwise acquire and use real and personal property of every kind within or without the regional district necessary to the full or convenient exercise of its power.

Disposition of property

5992. The district board may lease, mortgage, sell, or otherwise dispose of any real or personal property of the regional district, within or without the regional district, when, in its judgment, it is for the best interests of the district.

Sewage systems

5995. The regional district may acquire, construct, own, operate, control, or use, within or without, or partly within and partly without, the regional district, sewage systems for supplying the inhabitants of the regional district with means for the interception, measurement, treatment, purification, or disposal of sewage.

General powers

5996. The regional district may do all things necessary or convenient to the full exercise of the powers granted by this chapter.

Agreements with public agencies

5997. If any part or all of regional district's sewage system is not used to its fullest capacity for the benefit of the regional district or its inhabitants, the regional district may enter into an agreement with any public agency, whether or not it is a member of the regional district, upon terms and conditions satisfactory to the board, for the disposal of sewage originating outside of the regional district.

Eminent domain

5998. The regional district may exercise the right of eminent domain in the name of the regional district in the manner provided by law for the condemnation of private property for public use. It may take any private property necessary or convenient to the exercise of the powers granted by this chapter, whether or not the property is already devoted to the same use. In the exercise of the right of eminent domain it has all the rights, powers, and privileges of a county, and all rights, powers, and privileges conferred by this chapter; provided, 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, cables or poles of any public utility which is required to be removed to a new location.

Powers

5999. The regional district may:

(a) Borrow money and incur indebtedness.

(b) Issue bonds or other evidence of indebtedness.

(c) Refund or retire any indebtedness that exists against or is assumed by the regional district.

Taxes

6000. The regional district may levy and collect, or cause to be levied and collected, taxes to carry on the operations and pay the obligations of the regional district, other than principal and interest on revenue bonds.

Contracts

6001. The regional district may contract, upon mutually agreed terms, with any city, public or municipal corporation, or county to perform for the regional district any of the powers, duties, or functions granted to or imposed upon the regional district by this chapter. The city, public or municipal corporation, or county may enter into and perform the contract.

6002. The regional district may:

Federal assistance

(a) Accept, without limitation by any other provisions of this chapter requiring approval of indebtedness, contributions or loans from the United States, or any of its departments, instrumentalities, or agencies, for the purpose of financing the construction, maintenance, and operation of any enterprise in which the regional district is authorized to engage.

Cooperation with Federal Government

(b) Enter into contracts and cooperate with, and accept cooperation from, the United States, or any of its departments, instrumentalities, or agencies, in the financing, construction, maintenance, and operation of any enterprise in which the regional district is authorized to engage in accordance with legislation adopted by Congress.

(c) Do all things necessary to avail itself of aid, assistance, and cooperation under any federal legislation.

6003. The regional district may:

Accept contributions

(a) Accept, without limitation by any other provisions of this chapter requiring approval of indebtedness, contributions of money, rights of way, materials, and any other property for the construction, maintenance, and operation of any enterprise in which the regional district is authorized to engage.

Cooperation with State

(b) Enter into contracts and cooperate with, and accept cooperation from, the State, or any of its departments, instrumentalities, or agencies, or any state public agency, in the financing, construction, maintenance, and operation of any enterprise in which the regional district is authorized to engage.

Employees

6004. The regional district may employ and retain personnel services and employ laborers to create, establish and maintain such offices and positions as shall be necessary and convenient for the transaction of the business of the regional district, and to appoint and employ such engineers, attorneys, agents and employees as may be needed to carry into effect any of the powers of the regional district.

Right of way

6005. A right of way in, through, upon, under, or across any public highway, street, alley, road, or property within the county in which the regional district is situate is hereby granted to the regional district wherever the right of way is found, by the district board, to be necessary or convenient for doing any of the work.

Agreement to use, etc., plants, etc

6006. The district board may, by agreement with any city or other public agency, take possession of any sewage system or any sewage disposal or treatment plant, or any combination thereof, as found necessary or convenient to carry out any of the objects of the regional district, or may acquire, by agree-

ment, the right to use them, and any city or other public agency may enter into such an agreement with a regional district.

A compliance with this chapter is sufficient to authorize such an agreement by either a county sanitation district, city, or other public agency entering into such a contract with a regional district.

Limitation of power Eminent domain

6007. Notwithstanding anything contained in this chapter to the contrary, a regional district shall not have the power to acquire by eminent domain the sewage system, sewage disposal or treatment plant or other sewage facilities, or any part thereof, of any city or other public agency.

Article 7. Annexation

Annexation

6020. Whenever any territory is annexed to a public agency which, as a separate entity, is part of the regional district, said territory thereupon becomes a part of the regional district and is subject to all of the liabilities, including, but not limited to, bonded indebtedness of the regional district and to all the benefits of the regional district; provided, however, the public agency annexing said territory may, by resolution adopted at or prior to the effective date of the annexation of said territory, assume on behalf of said annexed territory the proportionate share of the existing bonded indebtedness thereof, for which said annexed territory would have otherwise been liable.

Resolution

6021. Whenever any public agency not included within the regional district desires to be annexed to the regional district, it shall adopt a resolution requesting such inclusion. The resolution shall describe the territory of the public agency sought to be included, which territory need not be contiguous to the regional district.

Terms and conditions

6022. If, after receipt of a certified copy of the resolution proposing annexation, the district board determines that the annexation of the territory would facilitate the construction, operation, acquisition, or maintenance of a sewage system or otherwise be advantageous to the regional district, it shall determine, by resolution, the terms and conditions upon which such annexation may be made.

6023. Provisions within the terms and conditions may include, but are not limited to:

(a) Payment of taxes within the territory to be annexed in addition to the other taxes provided for in this chapter.

(b) Fixing rates and charges differing from those fixed or existing elsewhere within the regional district.

(c) Incurring or assuming indebtedness, or making payments, or transferring property, real and personal, and other assets to the regional district by the territory proposed to be annexed.

Copy of resolution

6024. The secretary of the district board shall immediately transmit to the governing board of the public agency proposing the annexation a certified copy of the resolution fixing the terms and conditions upon which annexation may be made.

Hearing

6025. If the governing board of the public agency proposing the annexation consents to the terms and conditions, the district board shall fix the time and place for a hearing on the question of the annexation and providing for the giving of notice of the public hearing thereon.

Notice

6026. Notice fixing the time and place for hearing upon the question of the annexation shall be published once in a newspaper of general circulation printed and published in the regional district. If there is no such newspaper, notice of the hearing shall be given by posting in three public places within the regional district, at least one of which shall be within the territory proposed to be annexed.

Hearing Time

6027. The time for the public hearing shall be not less than 30 nor more than 60 days after the publication or first posting of the notice.

Protests

6028. At or before the public hearing any owner of property interested may make written objections to the annexation or to the inclusion of his property. The objections shall be filed with the secretary of the district board, and the board shall hear and determine said protest at the public hearing. The district board may adjourn the hearing from time to time without further notice, but an order shall be entered upon the minutes of its meeting fixing the time and place of the continued public hearing.

Resolution

6029. If no protests are filed, or the protests filed are overruled by the district board, the board, by resolution, shall immediately declare all or part of the territory annexed to the regional district. Upon the filing of the resolution with the clerk of the district board, the annexation is completed.

Consent to annexation

6030. All or part of a city shall not be annexed to the regional district unless its governing board consents thereto by resolution.

Powers

6031. After the date of annexation, the district board may do all acts necessary or convenient to the fulfillment of the terms and conditions of the annexation, and the exercise of powers vested in the regional district and the district board by this chapter.

Construction

6032. An annexation pursuant to this chapter shall not dissolve or terminate the legal existence of any public agency which becomes a part of the regional district.

Conclusive evidence Resolution

6033. The resolution of annexation by the district board is conclusive evidence of the regularity of all prior proceedings, and any legal proceeding attacking the validity of the resolution of annexation shall be commenced within three (3) months from the date of the resolution of annexation. If no such legal proceeding is so commenced, the annexation shall be held to be valid and, in every respect, legal and incontestable.

Article 7. General Obligation Bonds

Bonds

6050. The regional district organized pursuant to this chapter may incur a bonded indebtedness pursuant to this article, to pay the cost of constructing all or any part of a sewage system.

Resolution

6051. By a resolution passed by a vote equal to at least two-thirds of the total number of votes of the member agencies represented upon the district board, the district board may determine that the public interest or necessity demands that the regional district construct a sewage system, the cost of which will be too great to be paid out of the ordinary annual income and revenue of the regional district.

Contents

6052. The resolution calling the election shall recite:

(a) The objects for which the indebtedness is to be incurred.

(b) The estimated cost of the sewage system to be constructed or acquired, or both.

(c) The amount of the bonds proposed to be issued, the number of years not to exceed which the whole of the bonds are to run, and 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 article.

(d) The date of the election, election precincts, polling places, and election officers.

Consolidated precincts

6053. For the purposes of the bond election, the district board may consolidate into one precinct several precincts established for general election purposes and describe the precinct by reference to the general election precincts.

Election board

6054. An election board consisting of one inspector, one judge, and one clerk shall be appointed by the district board for each precinct.

Eligibility to vote

6055. Only voters registered in the regional district are eligible to vote at the bond election.

Publication of notice

6056. The resolution calling the election shall be published once a week for three successive weeks in a newspaper having general circulation in the regional district and designated by the district board. No other notice of the election need be given.

Issuance of bonds

6057. If two-thirds of the votes cast are in favor of incurring the bonded indebtedness as proposed, bonds of the regional district for the amount stated in the resolution calling the election shall be issued and sold.

Bonds Validity

6058. The validity of the bonds after their issuance shall not be questioned in any court except upon the ground that the provisions of this chapter authorizing their issuance are unconstitutional.

Form, interest, etc

6059. The district board shall prescribe by resolution the form of the bonds, and interest coupons. The bonds shall be payable at such times 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. The term of bonds issued shall not exceed 40 years.

Denominations, etc

6060. The bonds shall be issued in such denominations as the district 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). They shall be payable on the date and at the place fixed in the bonds, and with interest at the rate specified in the bonds, which rate shall not be in excess of 6 percent per annum, and shall, after the first year, be payable semiannually.

Signatures

6061. The bonds shall be signed by the chairman of the district board, and countersigned by the auditor of the regional district, and the seal of the district board shall be affixed. The interest coupons of the bonds shall be numbered consecutively and signed by the auditor of the regional district. All such signatures and countersignatures may be printed, lithographed, engraved, or otherwise mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

6062. If any officer whose signature or countersignature appears on the bonds ceases to be an officer before the delivery of the bonds to the purchaser, his signature or countersignature shall be as valid as if he had remained in office until the delivery of the bonds.

Sale of bonds

6063. The board may issue and sell the bonds of the regional district at not less than par value, and the proceeds shall be placed in the treasury of the county.

Disposition of proceeds

All premiums and accrued interest received shall be paid into the fund to be used for the payment of principal and interest on the bonds and the remainder of the proceeds of the sale shall be paid into the construction fund of the regional district, and proper records of the transactions shall be placed upon the books of the treasurer.

Construction fund

6064. The construction fund shall be applied exclusively to the purposes and objects mentioned in the resolution calling the bond election.

Payments from the construction fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon the funds of the county.

Disposition of excess moneys

6065. When the purposes and objects mentioned in the resolution calling the bond election have been accomplished any moneys remaining in the construction fund shall be transferred to the fund to be used for the payment of principal and interest on the bonds.

Failure of bond election

6066. If the proposition of issuing bonds submitted at a bond election fails to receive the requisite number of votes, the district board may, at the expiration of six months after that election, call or order another bond election, either for the same objects and purposes, or for any other object or purpose of the regional district.

Additional bonds

6067. If the district board, by resolution passed by a vote equal to two-thirds of the total vote represented by the members of the public agencies comprising said regional district,

determines that the public interest or necessity of the regional district demands the issuance of additional bonds for carrying out any of the objects of the regional district, the district board may again submit to the voters the question of issuing additional bonds. All of the provisions of this article for the issuance and sale of bonds, and for the expenditure of the proceeds apply to the issuance of additional bonds.

Annual tax

6068. Bonds and the interest thereon shall be paid by revenue derived from an annual tax upon the real property in the regional district, and all the real property in the regional district shall be and remain liable to be taxed for such payments. Said bonds and the interest thereon shall not be taxable in this State.

Issue of bonds

6069. (a) 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 regional 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.

Series

(b) The district board of the regional district issuing any bonds heretofore or hereafter authorized 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 district board of the regional district separate and distinct from the time or times of payment of bonds of any other division or series of the same issue.

Bonds, When payable

6070. 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.

Court proceeding

6071. 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 such Irrigation District Law.

Article 8. Finance and Taxation

Statement of amount due

6090. Annually, at least 15 days before the first day of the month in which the board of supervisors of the county in which the regional district is located is required by law to levy the amount of taxes required by law for county purposes, the district board shall furnish to the board of supervisors a written statement of 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.

Tax levy

6091. The board of supervisors of the county shall annually, at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the regional district, based upon the last equalized assessment roll of the county sufficient to pay the interest on the bonds for that year and such portion of the principal as is to become due before the time for making the next general tax levy.

Ascertainment of amount by board of supervisors

6092. If the district board fails to furnish to the board of supervisors the written statement of the amount necessary, the board of supervisors of the county 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 time for making the next general tax levy, and shall levy and cause to be collected the necessary amount.

Collection, disposition

6093. 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 treasury of the county to the credit of the regional district, and shall be used for the payment of the principal and interest upon the bonds, and for no other purposes.

Manner of payment

6094. The principal and interest on the bonds shall be paid by the treasurer of the county in the manner now or hereafter provided by law for the payment of principal and interest on the bonds of the county.

Taxes to defray district expenses

6095. In any year, at least 15 days before the first day of the month in which the board of supervisors of the county in which the regional district is located, is required by law to levy the amount of taxes required by law for county purposes, the district board may furnish to the board of supervisors a written statement of the amount necessary to maintain, operate, extend, or repair any work or improvements of the regional district, and to defray all other expenses incidental to the exercise of any of the regional district's powers, and the board of supervisors of the county shall at the time and in the manner of levying other county taxes, levy and cause to be collected a tax upon the taxable real property in the regional district, based upon the last equalized assessment roll of the county sufficient to pay the cost of maintaining, operating, extending, or repairing any work or improvements of the

regional district and of defraying all other expenses incidental to the exercise of any of the regional district's powers.

Payments from operating fund

6096. Payments from the operating fund shall be made upon demands allowed by the district board, and prepared, presented, and audited in the same manner as demands upon the funds of the county.

Article 9. Revenue Bonds

Power to issue revenue bonds

6110. A regional district shall have authority to issue revenue bonds to obtain funds with which to carry out any and all of the objects and purposes of the regional district, said revenue bonds to be issued pursuant to and in accordance with the provisions of the Sanitation, Sewer and Water Revenue Bond Law of 1941 contained in Chapter 6 of Part 1, Division 2, Title 5 of the Government Code.

Applicable provisions

CHAPTER 1923

An act to add Section 25208 to the Government Code, relating to general powers of boards of supervisors.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 25208 is added to the Government Code, to read:

25208. The board of supervisors may employ such persons as it deems necessary to assist the board in the performance of its duties. The board may adopt an ordinance defining the qualifications, duties and responsibilities of such persons.

CHAPTER 1924

An act to amend Section 526 of the Vehicle Code, relating to roadways laned for traffic.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 526 of the Vehicle Code is amended to read:

526. Driving on Roadways Laned for Traffic. Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

(a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the extreme left lane at any time, nor in the center lane except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation. The foregoing provisions of this subdivision shall not apply upon a one-way roadway.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

CHAPTER 1925

An act to amend Sections 74082, 74083, 74084, 74085, 74086, 74090, 74091 and 74092 of the Government Code, relating to the municipal court in a district embracing the City of Richmond.

In effect September 7, 1955

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955]

The people of the State of California do enact as follows:

SECTION 1. Section 74082 of the Government Code is amended to read:

Clerk Salary

74082. There shall be one clerk who shall receive a minimum salary of five hundred thirty-nine dollars ($539) monthly with annual increments of twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), and twenty-nine dollars ($29) a month to a maximum salary of six hundred forty-seven dollars ($647) a month.

SEC. 2. Section 74083 of said code is amended to read:

74083. The clerk shall appoint:

Deputy clerks Same

(a) One chief deputy, who shall receive a minimum salary of four hundred twenty-nine dollars ($429) a month with annual increments of twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), and twenty-three dollars ($23) a month to a maximum salary of five hundred fifteen dollars ($515) a month.

(b) Three deputy clerks who shall be court clerks, each of whom shall receive a minimum salary of four hundred ten dollars ($410) a month with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21),

and twenty-two dollars ($22) a month to a maximum of four hundred ninety-two dollars ($492) a month.

(c) Eight deputy clerks, each of whom shall receive a minimum salary of two hundred eighty-four dollars ($284) a month with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) a month to a maximum of three hundred forty-one dollars ($341) a month.

(d) Nine deputy clerks, each of whom shall receive a minimum salary of two hundred forty-seven dollars ($247) a month with annual increments of twelve dollars ($12), twelve dollars ($12), thirteen dollars ($13), and thirteen dollars ($13) a month to a maximum of two hundred ninety-seven dollars ($297) a month.

SEC. 3. Section 74084 of said code is amended to read:

Marshal
Same

74084. There shall be one marshal who shall receive a minimum salary of five hundred thirty-nine dollars ($539) a month with annual increments of twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), and twenty-nine dollars ($29) a month to a maximum of six hundred forty-seven dollars ($647) a month.

SEC. 4. Section 74085 of said code is amended to read:

74085. The marshal shall appoint:

Deputy marshals
Same

(a) One chief deputy marshal who shall be paid a minimum salary of four hundred ten dollars ($410) a month with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22) a month to a maximum of four hundred ninety-two dollars ($492) a month, and who shall be first in authority under the marshal and shall take care of all night work.

(b) Five deputy marshals, each of whom shall be paid a minimum salary of three hundred fifty-seven dollars ($357) a month with annual increments of seventeen dollars ($17), eighteen dollars ($18), eighteen dollars ($18), and nineteen dollars ($19) a month to a maximum of four hundred twenty-nine dollars ($429) a month.

(c) One deputy marshal, who shall be a senior clerk, and who shall receive a minimum salary of three hundred twenty-six dollars ($326) a month with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18) a month to a maximum of three hundred ninety-two dollars ($392) a month.

(d) One deputy marshal, who shall be an intermediate typist-clerk, and who shall receive a minimum salary of two hundred eighty-four dollars ($284) a month with annual increments of thirteen dollars ($13), fourteen dollars ($14), fifteen dollars ($15), and fifteen dollars ($15) a month to a maximum of three hundred forty-one dollars ($341) a month. The primary duties of such deputy shall be the processing of all types of legal documents which are to be served by the marshal's office and the bookkeeping in connection with the

receipt and disbursement of any and all funds in connection with said process.

(e) One deputy marshal, who shall be a typist-clerk, and who shall receive a minimum salary of two hundred forty-seven dollars ($247) a month with annual increments of twelve dollars ($12), twelve dollars ($12), thirteen dollars ($13), and thirteen dollars ($13) a month to a maximum of two hundred ninety-seven dollars ($297) a month.

Deputies Same

(f) Ten deputies who shall be custodians at the fee allowed by law for keeping property. They shall be paid only for their actual services as keepers of property taken under legal process and shall be paid out of the funds deposited by the parties to the action in which such services are rendered.

SEC. 5. Section 74086 of said code is amended to read:

Reporters Same

74086. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attaches of the court. In lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, they shall receive a salary of five hundred seventy-five dollars ($575) a month, which shall be a charge against the general fund of the county.

SEC. 6. Section 74090 of said code is amended to read:

Incumbents

74090. All incumbents, including temporary or provisional employees, appointed in any of the aforesaid positions and having served therein continuously for more than six months as of January 1, 1955, shall be continued in their respective positions as permanent employees, and shall receive credit for prior service in the justice's court, police court, or municipal court and in the police department, sheriff's office, as constable or deputy constable in the county or marshals' office, and shall receive in addition to the minimum rates, the annual increments commensurate with the years of prior service up to the maximum rate set.

SEC. 7. Section 74091 of said code is amended to read:

Vacancy, new position

74091. When a position described in this article becomes vacant, or a new position is created, the appointing official shall request the civil service commission of the county to certify to him for appointment the three highest persons on the list of eligibles, as indicated in the request of the appointing authority. The county civil service commission shall certify the three highest persons qualified and, if necessary, the commission shall classify positions, establish qualifications and give examinations for this purpose. All appointments shall be made from among those persons certified. Notwithstanding any provision to the contrary, pending the certification of qualified persons, the clerk or marshal may designate the position of temporary appointees, who shall receive the salary set up opposite the title of their respective position at the minimum rate for the classification. All temporary and provisional appointments shall be subject to the rules and regulations of the Contra Costa Civil Service Commission that are applicable

to similar appointments in the Contra Costa County merit system.

SEC. 8. Section 74092 of said code is amended to read:

74092. Subject to the provisions of Section 72002.1 and any other applicable state law, all present attaches and all those who may be appointed in the future to positions in municipal courts shall be subject to all of the duties, rules and obligations and entitled to all the benefits of the rules, regulations and ordinances pertaining to civil service employment of the County of Contra Costa to the same extent and in the same manner as applicable to officers and employees of such county. The salary demands and pay rolls of the attaches are subject to the inspection and approval of the director of personnel of such county. Attaches

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CHAPTER 1926

An act to add Section 2160.4 to the Welfare and Institutions Code, relating to the eligibility of aliens for aged aid.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.] In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 2160.4 is added to the Welfare and Institutions Code, to read:

2160.4. Notwithstanding any provision of subdivision (b) of Section 2160 to the contrary, aid shall be granted to any person who, because of race or national origin, was ineligible to citizenship prior to December 24, 1952, and who has lived in the United States continuously for 25 years at time of making application, if he satisfies the other requirements of law; provided, however, that this section shall not be construed to authorize the granting of aid to any person who has committed an overt act against the Government of the United States nor to any person who had not attained the age of 60 years on or before December 24, 1952.

CHAPTER 1927

An act to amend Sections 117, 117b, and 117ha, of the Code of Civil Procedure, relating to small claims courts.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955.] In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 117 of the Code of Civil Procedure is amended to read:

117. All judges of the justice court, except as otherwise provided in this section, and judges of the municipal court Small claims court, Jurisdiction

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), except that a municipal court judge sitting as a small claims court shall also have jurisdiction in proceedings in unlawful detainer after default in rent for residential property where the term of tenancy is not greater than month to month, and where the whole amount claimed is one hundred dollars ($100) or less

Contracts

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.

Injury to person or personal property

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. 2. Section 117b of said code is amended to read:

Affidavit

117b. The affidavit mentioned in the last section shall be on a blank substantially in the following form:

In the Small Claims Court _____,
County of _____,

State of California

_____ Plaintiff,

vs.

_____ Defendant.

State of California, }
County of _____. } ss.

_____, 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).

Same
Unlawful
detainer

In cases of unlawful detainer within the jurisdiction of this court, the affidavit mentioned in the last section shall be on a blank substantially in the following form:

In the Small Claims Court_____,
County of _____,

_____
Plaintiff,
vs.
_____
Defendant.

State of California,
County of _____. } ss.

_____ being first duly sworn, deposes and says: That prior to _____ defendants were tenants of plaintiff in the premises described as _____, California, at a rental of $_____ per _____ payable _____; that on _____ defendants were indebted to plaintiff in the sum of $_____ as rent for said premises; that on _____ plaintiff served the attached notice on defendants; that defendants have not paid any part of the rent demanded and are still in possession of the premises without plaintiff's consent; that the rental value of said premises is $_____ per month.

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 courtroom 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 in accordance with said claim as it is stated in said affidavit, and in addition costs of the action including costs of services of the order.

Dated this _____ day of _____, 19___.

_____
Judge (or clerk of court).

Applicable provisions

SEC. 3. Section 117ha of said code 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, and the judgment may be enforced in the manner provided in Section 1174 of the Code of Civil Procedure of the State of California.

CHAPTER 1928

An act to add Section 2007.1 to the Welfare and Institutions Code, relating to aid to the aged.

In effect September 7, 1955

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955]

The people of the State of California do enact as follows:

SECTION 1. Section 2007.1 is added to the Welfare and Institutions Code, to read:

2007.1. No person administering aid under this chapter shall demand that a recipient sign any check, or other document transferring his property to the county, as reimbursement for overpayments of aid made to the recipient unless the recipient is notified in writing of the causes of the overpayment and of his right of appeal, and that he may have a representative of his own selection at the time the demand for reimbursement is discussed with him, and at the time he signs or delivers any instrument or paper by way of reimbursement.

CHAPTER 1929

An act to amend Sections 73732, 73733, 73734, 73735, 73992, 73993 and 73994 of the Government Code, relating to employees of municipal courts.

In effect September 7, 1955

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 73732 of the Government Code is amended to read:

Salaries Clerk

73732. There shall be one clerk who shall receive a minimum of four hundred seventeen dollars ($417) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

SEC. 2. Section 73733 of said code is amended to read:

73733. The clerk may appoint:

Assistant clerk

(a) One assistant 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.

Deputy clerks

(b) Three deputy clerks, each of whom 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.

Principal account clerk

(c) One principal account clerk 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.

Senior account clerk

(d) One senior account clerk 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.

Senior stenographer-clerk

(e) One senior stenographer-clerk 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.

Senior clerk

(f) One senior clerk 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.

SEC. 3. Section 73734 of said code is amended to read:

Marshal

73734. There shall be one marshal who shall receive a monthly salary of five hundred fifty dollars ($550).

SEC. 4. Section 73735 of said code is amended to read:

73735. The marshal may appoint:

Deputy marshals

(a) Four deputy marshals, grade II, each of whom 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.

Same Grade I

(b) One deputy marshal, grade I, who 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.

Principal clerk

(c) One principal clerk 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.

Senior clerks

(d) Two senior 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.

SEC. 5. Section 73992 of said code is amended to read:

Clerk

73992. There shall be one clerk who shall receive a minimum of four hundred seventeen dollars ($417) monthly with annual increments of twenty-three dollars ($23), twenty-four dollars ($24), twenty-five dollars ($25), and twenty-seven dollars ($27) to a maximum of five hundred sixteen dollars ($516) monthly.

SEC. 6. Section 73993 of said code is amended to read:

73993. The clerk may appoint:

Assistant clerk

(a) One assistant 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.

Deputy clerks

(b) Three deputy clerks, each of whom 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.

Principal account clerk

(c) One principal account clerk 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.

Senior account clerk

(d) Two senior account clerks, 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.

Senior clerk

(e) One senior clerk 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.

SEC. 7. Section 73994 of said code is amended to read:

Marshal

73994. There shall be one marshal who shall receive a monthly salary of five hundred fifty dollars ($550). The marshal may appoint:

Deputy marshals Grade II

(a) Three deputy marshals, grade II, each of whom 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.

(b) One deputy marshal who 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. Deputy marshal

(c) One principal clerk 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. Principal clerk

(d) Two senior 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. Senior clerks

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CHAPTER 1930

An act to amend Sections 10221, 10340, and 10600 of the Business and Professions Code, relating to reinstatement fees for real estate, business opportunity, and mineral, oil and gas licenses.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 10221 of the Business and Professions Code is amended to read:

10221. For reinstatement of a license within a licensing period or at the time of renewal the fee is one dollar ($1).

As used in this section, "reinstatement of a license" means the reissuance of a canceled or inactivated real estate broker's license, or the reissuance of a real estate salesman's license which was canceled or inactivated during the period for which it was issued upon the salesman's withdrawal from the employ of a real estate broker.

SEC. 2. Section 10340 of the Business and Professions Code is amended to read:

10340. For reinstatement of a license within a licensing period or at the time of renewal the fee is one dollar ($1).

As used in this section, "reinstatement of a license" means the reissuance of a canceled or inactivated business opportunity broker's license, or the reissuance of a business opportunity salesman's license which was canceled or inactivated during the period for which it was issued upon the salesman's withdrawal from the employ of a business opportunity broker.

SEC. 3. Section 10600 of the Business and Professions Code is amended to read:

10600. For reinstatement of a license within a licensing period or at the time of renewal the fee is one dollar ($1)

As used in this section, "reinstatement of a license" means the reissuance of a canceled or inactivated mineral, oil and gas broker's license, or the reissuance of a mineral, oil and gas salesman's license which was canceled or inactivated during the period for which it was issued upon the salesman's withdrawal from the employ of a mineral, oil and gas broker.

CHAPTER 1931

An act to add Article 5 to Division 6, Chapter 3 of the Business and Professions Code, relating to remedy by injunction for unauthorized use of name other than trade name.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Article 5 is added to Chapter 3, Division 6 of the Business and Professions Code, to read:

Article 5. Names Other Than Trade Names

Definitions

14492. As used in this article the following terms have the meanings set forth in this section unless the context otherwise requires:

(a) "Organization" includes any lodge, order, beneficial association, fraternal or beneficial society or association, historical, military or veterans organization, labor union, or any other similar society, organization or association or degree, branch, subordinate lodge or auxiliary thereof.

(b) "Name and Ownership." Name is that name which has first been adopted and used by an organization within or beyond the limits of this State, which name has been registered in the Office of the Secretary of State, and the name of any organization which has complied with the provisions of Division 3, Part 4, Title 10, Chapter 2, of the Civil Code of the State of California, unless such name conflicts with a name duly registered in the Office of the Secretary of State prior to the compliance with such provisions of the Civil Code, and any organization which has so first adopted and used such name is its original owner.

Registration of name, fee

14492.5. Any organization may register any name used by it by filing a claim to it with the Secretary of State. The filing fee for the registration of any name shall be two dollars ($2).

Injunction

14493. Any court of competent jurisdiction may restrain by injunction: the use of the name of any organization in a commercial venture, trade or business, or in the solicitation of subscriptions for or sale of any newspaper, book, or other publication, or in the solicitation of advertising in any newspaper,

book, or other publication or in the solicitation of, donations, aid, or other benefits by any other person, firm, or corporation representing directly or indirectly that such commercial venture, trade or business, newspaper or book or other publication or donation or solicitation for donation, is sponsored, endorsed or being offered by the organization owning such name, unless the person, firm, or corporation so using the name is entitled to use the name under the constitution, by-laws or rules of the organization owning such name, or by the written consent of such organization so owning the name to such use.

Damages

14494. In any action under Section 14493 it is not necessary to allege or prove actual damages or the threat thereof or actual injury or the threat thereof, to the plaintiff, but in addition to injunctive relief, any plaintiff in any such action is entitled to recover the amount of the actual damages, if any, sustained by such plaintiff.

Presumption

14495. The use of the name of any organization by any person, firm, or corporation not entitled to use the same under the constitution, by-laws, rules or regulations of the organization which owns the name or by the written consent of such organization, is presumptive evidence of the unlawful use or traffic in such name.

CHAPTER 1932

An act to amend Section 1080 of the Probate Code, relating to the proceedings for the determination of interests in estates.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 1080 of the Probate Code is amended to read:

1080. When four months have elapesd after the first publication of notice to creditors, and a petition for final distribution has not been filed, the executor or administrator, or any person claiming to be an heir of the decedent or entitled to distribution of the estate or any part thereof may file a petition setting forth his claim or reason and praying that the court determine who are entitled to distribution of the estate. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code. At least 10 days before the date set for the hearing of such petition by the court, the petitioner shall cause notice of the hearing thereof to be mailed to the executor or administrator and to all legatees and devisees and to all known heirs of the decedent, and to all persons (or their attorneys, if they have appeared by attorney) who have requested notice as provided in Section 1202 of this code, or who

have given notice of appearance in person or by attorney, addressed to them at their respective post-office addresses given in their requests for special notice or notice of appearance, if any, otherwise at their respective offices or places of residence, if known, and if not, at the county seat of the county where the proceedings are pending, or to be personally served upon such persons. Any person may appear and file a written statement setting forth his interest in the estate. No other pleadings are necessary and the allegations of each claimant shall be deemed to be denied by each of the other claimants to the extent that they conflict with any claim of the latter.

Whenever any estate involves, or may involve, a charitable trust, other than a charitable trust with a designated trustee which may lawfully accept such trust, or an escheat to the State of California, the Attorney General shall be deemed to be a person entitled to distribution within the meaning of this section and shall be entitled to file the petition referred to in this section.

CHAPTER 1933

An act to add Section 72602.5 of the Government Code, relating to the Antelope Municipal Court District.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 72602.5 is added to the Government Code, to read:

72602.5. The Antelope Municipal Court District shall have one judge who shall receive an annual salary of sixteen thousand five hundred dollars ($16,500), and one jury commissioner, who shall receive an annual salary of eight thousand four hundred dollars ($8,400). The jury commissioner shall exercise the powers of jury commissioners of superior courts, insofar as they are applicable to municipal courts.

This section shall become operative when it is determined in the manner prescribed by Section 71043 of this code that the population of the Antelope Judicial District exceeds 40,000 and thereafter said district shall be known as the Antelope Municipal Court District.

SEC. 2. Section 72602.5 is added to the Government Code, to read:

72602.5. The Antelope Municipal Court District shall have one judge. Such district shall have one jury commissioner, who shall receive an annual salary of eight thousand four hundred dollars ($8,400). The jury commissioner shall exercise the powers of jury commissioners of superior courts, insofar as they are applicable to municipal courts.

This section shall become operative when it is determined in the manner prescribed by Section 71043 of this code that the population of the Antelope Judicial District exceeds 40,000 and thereafter said district shall be known as the Antelope Municipal Court District.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 487 of the 1955 Regular Session is enacted into law, and in such case at the same time as said Senate Bill No. 487 takes effect, at which time Section 1 of this act is repealed.

Effect Stats 1955, Ch 955

CHAPTER 1934

An act to amend Section 13675 of the Education Code, relating to the compensation of school employees on sabbatical leaves of absence.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 13675 of the Education Code is amended to read:

13675. Every employee granted a leave of absence pursuant to Section 13673 may be required to perform such services during the leave as the governing board of the district, with the approval of the county superintendent of schools, and the employee may agree upon in writing, and the employee shall receive such compensation during the period of the leave as the governing board, with the approval of said county superintendent, and the employee may agree upon in writing, which compensation shall be not less than the difference between the salary of the employee on leave and the salary of a substitute employee in the position which the employee held prior to the granting of the leave. However, in lieu of such difference, the board may pay one-half of the salary of the employee on leave or any additional amount up to and including the full salary of the employee on leave.

CHAPTER 1935

An act to amend Section 32201 of the Health and Safety Code, relating to assessments of hospital districts.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 32201 of the Health and Safety Code is amended to read:

32201. Annually, at least 15 days before the first day of the month in which county taxes are levied, the board of directors of each local hospital district shall furnish to the board of supervisors of the county in which the district or any part thereof is situated an estimate in writing of the amount of money necessary to be raised by taxation for all purposes required under the provisions of this division during the next ensuing fiscal year. In addition to such written estimate the board of directors of each local hospital district shall furnish to the board of supervisors for each tax year occurring after the second full fiscal year of actual hospital operations a certified copy of a resolution of said board of directors finding that the rates and charges made for services and facilities in the hospital on an over-all basis are comparable to charges made for similar services and facilities by the nonprofit hospitals operated within the hospital service area in which the district hospital is located. No such certificate need be furnished if there are no nonprofit hospitals in such service area. Such hospital service area shall be as from time to time delineated by the State Department of Public Health.

CHAPTER 1936

An act to amend Sections 32125 and 32127 of the Health and Safety Code, relating to hospital districts.

In effect September 7, 1955

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955]

The people of the State of California do enact as follows:

SECTION 1. Section 32125 of the Health and Safety Code is amended to read:

Responsibility of board

32125. The board of directors shall be responsible for the operation of all hospitals owned or leased by the district, according to the best interests of the public health and shall make and enforce all rules, regulations and by-laws necessary for the administration, government, protection and maintenance of hospitals under their management and all property belonging thereto and may prescribe the terms upon which patients may be admitted thereto; provided, that such hospitals shall not contract to care for indigent county patients at below the cost for care. In fixing the rates the board shall, insofar as possible, establish such rates as will permit the hospital to be operated upon a self-supporting basis. The board may establish different rates for residents of the district than for persons who do not reside within the district. Minimum standards of operation as prescribed in this article shall be established and enforced by the board of directors.

Rates

Treasury, moneys received, funds, disbursement, etc.

SEC. 2. Section 32127 of said code is amended to read:

32127. The hospital district shall establish its own treasury and shall appoint a treasurer charged with the safekeeping

and disbursal of the funds in the treasury of the district. The board of directors shall fix the amount of the bond to be given by such treasurer and shall provide for the payment of the premium therefor out of the maintenance and operation fund.

All moneys derived from that portion, if any, of the annual tax or assessment levied for capital outlay purposes shall be placed in the capital outlay fund. Any moneys derived from a special tax or assessment levied under Article 3 of Chapter 3 hereof shall be placed in a special assessment fund and shall be used exclusively for the purposes for which such special tax or assessment was voted.

All moneys derived from the regular annual tax or assessment provided in Article 1, Chapter 3 hereof, except any part thereof levied for capital outlay purposes, shall be placed in the maintenance and operation fund. All receipts and revenues of any kind from the operation of the hospital shall be paid daily into the treasury of said district and placed in the maintenance and operation fund. Moneys in the maintenance and operation fund may be expended for any of the purposes of the district; provided, however, that no such moneys may be expended for new construction of additional patient bed capacity other than as authorized by Section 32221 hereof. Whenever it appears that the sum in the bond interest and sinking fund will be insufficient to pay the interest or principal of bonds next coming due and payable therefrom, a sum sufficient to pay such principal and interest shall be transferred by the board of directors from the maintenance and operation fund to said bond interest and sinking fund.

Except as to principal and interest of bonds, moneys in the treasury of the district shall be paid out by the treasurer thereof only on written order signed by the president and countersigned by the secretary. The treasurer shall keep such order as his voucher and shall keep accounts of all receipts into the district treasury and all disbursements therefrom.

Where bonds of the district are payable at the office of the district, all receipts from taxes levied to pay the principal and interest of such bonds shall be paid into the treasury of the district, and the treasurer of the district shall pay therefrom the principal and interest of such bonds.

Where bonds of the district are payable at the office of the county treasurer of the organizing county, at the option of the holder, or otherwise, all receipts from taxes levied to pay principal and interest of such bonds shall be paid into the treasury of the organizing county and shall be placed by the county treasurer in the bond interest and sinking fund of the district, and he shall pay the principal and interest of such bonds therefrom and shall keep an account of all moneys received into and paid out of said fund.

Any moneys in the treasury of the district and any moneys of the district in the bond interest and sinking fund of the district in the treasury of the organizing county may be deposited in accordance with the provisions of the general laws

of the State of California governing the deposit of public moneys of cities or 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 cities and counties are deposited in such banks, and with like force and effect. The board of directors of the district are authorized to create a revolving fund which fund shall not exceed the sum of 10 percent of the estimated annual expenditures of the district at any one time and which shall be used for the purpose of paying the interim expenses of the operation of any hospital within the district without the necessity of a written order signed by the president and countersigned by the secretary as provided herein. The treasurer is authorized to deposit said fund in such bank or banks in the county as may be authorized to receive deposits of public funds in the same manner and upon the same security as public moneys of cities and counties are deposited in such banks and with like force and effect, and shall be subject to withdrawal upon the signature of the treasurer, or such other official of the district as may be authorized by the board of directors, for the use and purpose provided for herein.

CHAPTER 1937

An act to amend Section 5411 of the Public Resources Code, to amend Section 31557 of and to add Section 31564 to the Government Code, relating to retirement of district officers and employees.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 5411 of the Public Resources Code is amended to read:

Governing body of district Powers

5411. Except in districts having a board of directors, the governing body of a district shall be the governing body of the city or county in which the district lies. The governing body of the district may make and enforce all regulations necessary for the administration and government of the district and for the acquisition, improvement, and maintenance of parks, recreation grounds, and parkways within the district. It may appoint agents and employees sufficient to maintain and operate the parks, recreation grounds, and parkways for the benefit of the district, and it may construct all needed structures and perform all other acts necessary to accomplish the purpose of this article.

The governing body of the district may vote for the inclusion and exclusion of all officers and employees of the district in any county retirement association in the manner provided

in Article 4, Chapter 3, Part 3, Division 4, Title 3 of the Government Code.

SEC. 2. Section 31557 of the Government Code is amended to read:

31557. All officers and employees of any district become members of the association on the first day of the calendar month after the board of supervisors adopts by four-fifths vote, or in the case of districts for which the board of supervisors is not the governing body, after the governing body adopts by a two-thirds vote, a resolution providing for the inclusion of the district in the retirement association. Thereafter each person entering such employ becomes a member on the first day of the calendar month following his entrance into the service. Association members

Members may be withdrawn from the association in the manner provided in Section 31564.

SEC. 3. Section 31564 is added to the Government Code, to read:

31564 All officers and employees of any district who have become members of the association as provided in Section 31557, may be withdrawn by a resolution of the governing body declaring all of the district's employees withdrawn from the association; provided, the governing body has first received a written petition signed by a majority of its officers and employees requesting that the district's officers and employees be withdrawn from the association. Same Withdrawal

Upon the adoption of any resolution to withdraw its members, all funds held in said association shall be refunded to the district's employees upon the effective date of their withdrawal and in the same manner as said funds would be refunded upon the termination of their employment by the district.

The effective date of withdrawal of any resolution adopted pursuant to this section shall be at the end of the calendar month during which such resolution is adopted. Same Effective date

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CHAPTER 1938

An act to amend Section 699 of the Vehicle Code, relating to length limitations.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955] In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 699 of the Vehicle Code is amended to read:

699. Exceptions to Length Limitations. The limitations of Sections 697 and 698 hereof as to length of vehicles and loads shall not apply when only poles, timbers, pipes or integral

structural materials are being transported upon a pole or pipe dolly or other lawful trailer used in connection with a motor vehicle; provided, that no pole, timber, pipe or integral structural material exceeding 80 feet in length shall be so transported unless a permit has first been obtained as authorized in Section 710.

The limitations of Sections 697 and 698 hereof as to height and length of vehicles shall not apply to implements of husbandry incidentally operated or moved over a highway.

The limitation of Section 697(b) shall not apply to a vehicle used in a combination of vehicles, when the excess length is caused by auxiliary parts, equipment, or machinery not used as space to carry any part of the load; provided, that the combination of vehicles does not exceed the length permitted by Section 697(c).

The amendments to this section made at the 1955 Regular Session of the Legislature shall not be operative whenever it is determined that the provisions of this section as so amended will prevent this State from receiving any federal funds for highway purposes.

CHAPTER 1939

An act conveying certain lands lying under inland navigable waters situated in the San Joaquin River to the City of Antioch, State of California, in furtherance of navigation and commerce and the fisheries, and providing for the government, management and control thereof, reserving rights to the State.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

Grant to City of Antioch

SECTION 1. There is hereby granted to the City of Antioch, State of California, and to its successors, all the right, title and interest now held by the State of California by virtue of its sovereignty in and to all of the tide and submerged lands in the San Joaquin River and fronting on the City of Antioch, more particularly described as follows:

Description

Beginning at the point where the east line of A Street extended into the San Joaquin River intersects the ordinary high-water mark; thence on a northerly extension of the east line of A Street into the San Joaquin River to where it intersects the common boundary of Contra Costa and Sacramento Counties; thence downstream in the San Joaquin River along said common boundary to where the west line of O Street in the City of Antioch extended meets said common boundary; thence southerly along said west line of O Street extended to a point of intersection with the ordinary high-water mark of

the San Joaquin River; thence easterly along said ordinary high-water mark to the point of beginning.

To be forever held by said city, 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 city, and its successors, for the establishment, improvement and conduct of a harbor, including an airport or aviation facilities, 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 city, 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 whatsoever; provided, that said city, 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, franchises and privileges, except that there is hereby reserved to the State of California during the term or any extension thereof, the jurisdiction and all revenues payable to the State under that certain lease between the State of California and John J. Rodgers, dated May 21, 1953 (P.R.C. 805.1). Use

(b) That said lands shall be substantially improved by said city within 10 years of the effective date of this act without expense to the State, and shall always remain available for public use for all purposes consistent with the trust under which the State holds sovereign lands, 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 watercraft or aircraft, or railroad, owned or operated by the State of California. If the State Lands Commission determines that the city has failed during said 10-year period to improve said lands as herein required, all right, title, and interest of said city in and to all lands granted by this act shall cease and said lands shall revert and vest in the State. Improvement of lands

(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 con- Discrimination in rates prohibited

nection therewith shall ever be made, authorized or permitted by said city or its successors.

Reservations Right to fish

(d) There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes together with the right of navigation.

Mineral deposits

(e) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

Highways, harbors, etc

(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 or for other state purposes, including small boat harbors, without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements 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 interests.

Survey, etc

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 Contra Costa County, the area of state lands described in this act. Said city shall enter into a contract with the State Lands Commission for surveying, monumenting and platting the area of state land described in this act, and shall, upon submission of invoices by the State Lands Commission, pay said costs as a condition precedent to the grant of lands hereunder.

Severability

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.

CHAPTER 1940

An act to amend Sections 53070 and 53071 of the Government Code, relating to compensation of public officers of counties, townships and cities, declaring the urgency hereof, to take effect immediately.

In effect immediately

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955]

The people of the State of California do enact as follows:

SECTION 1. Section 53070 of the Government Code is amended to read:

53070. For the purpose of this article "war" shall mean "War" 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; or

(c) When the United States assists the United Nations, in actions involving the use of United States armed forces, to restore international peace;

and ending one year after the termination of hostilities therein as proclaimed by the President of the United States.

SEC. 2. Section 53071 of said code is amended to read:

53071. Any provisions of law, including county and city 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. Suspension during war

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: Urgency

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 1941

An act to add Section 694.01 to the Vehicle Code, relating to size and width of vehicles.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.] In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 694.01 is added to the Vehicle Code, to read:

694.01. Projecting Lights or Devices. Notwithstanding the limitations otherwise applicable under Section 694, lights or

devices which are required to be mounted upon a vehicle under the provisions of this code may extend beyond the permissible width of the vehicle to a distance not exceeding 10 inches on each side of the vehicle; provided, that the maximum width does not exceed 120 inches.

Door handles, hinges, cable cinchers and chain binders may extend two inches on each side; provided, that the maximum width of body and door handles, hinges, cable cinchers or chain binders does not exceed 100 inches.

This section shall not be operative whenever it is determined that the provisions of this section will prevent this State from receiving any federal funds for highway purposes.

CHAPTER 1942

An act to amend Section 19141 of the Government Code, relating to reinstatement of employees in the state civil service.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 19141 of the Government Code is amended to read:

Reinstatement

19141. (a) An employee who has vacated a position to accept another position in a higher class, or a class on the same level, under temporary appointment shall, if he so desires, at the termination of such appointment, be reinstated to his former position.

(b) An employee who has vacated a position to accept another position in a higher class, or a class on the same level, and who is rejected during the probationary period shall be reinstated to his former position.

(c) An employee who has vacated a position to accept appointment to an exempt position shall be reinstated to his former position, if he so desires, at any time within six months after vacating such former position, and may, with the consent of the appointing power of the vacated position, be reinstated to such former position at any time.

(d) An employee who has vacated a position to accept appointment by the Governor to an office to serve at his pleasure, or for a fixed term, or by the Legislature, shall if he so desires, at the termination of such appointment, or term of office, or any extension thereof, by operation of law or by new appointment, be reinstated to his former position.

(e) An employee who has vacated a position to accept an appointment to a position herein defined as "an exempt deputy

or assistant position" shall, if he so desires, at the termination of such appointment, or term of office, or any extension thereof, by operation of law or by new appointment, be reinstated to his former position; provided however, that such employee shall return to his former position within four years after vacating his former position, or within four years after the effective date of this section, as amended by the 1955 Legislature, whichever is later.

"An exempt deputy or assistant position"

For the purposes of this section, the term "an exempt deputy or assistant position" shall include:

(1) A confidential position to any officer mentioned in paragraph (1) or (2) of Section 4 of Article XXIV of the State Constitution, as the term "confidential position" is used in paragraph (5) of said Section 4 of Article XXIV;

(2) A position exempt from civil service under paragraph (6) of Section 4 of Article XXIV of the State Constitution;

(3) A position exempt from civil service under the provisions of Section 22 of Article XX of the State Constitution;

(4) A position exempt from civil service under the provisions of Section 2.1 of Article IX of the State Constitution; and

(5) A position filled by any of the deputies or assistants appointed by the Attorney General and exempt from civil service under the provisions of Section 15003 or 18592 of the Government Code.

(6) A position exempt from civil service under paragraph (3) of subdivision (a) of Section 4 of Article XXIV of the State Constitution and filled by any of the officers or assistants appointed by the Judicial Council under Section 68500 of the Government Code.

Replacement on lists

(f) When an employee has vacated a position to accept appointment to an exempt position and is laid off from that position his name shall be placed upon all appropriate layoff lists the same as if he had been laid off from the position which he vacated to accept appointment to such exempt position.

Reinstatement to former position

(g) An employee who has vacated a position to accept appointment to an exempt position or a limited term position in the same department, board, commission, or state agency, shall, if he so desires, at the termination of such appointment, or any extension thereof by operation of law or new appointment, be reinstated to his former position.

Tenure

(h) Tenure in a position or office filled by appointment by the Governor, or by the Legislature, or in a position defined as "an exempt deputy or assistant position" pursuant to paragraph (e) of this section, upon the return of the employee to his permanent civil service position, shall be deemed to be time served in such civil service position, for the purpose of determining his seniority and eligibility for merit increases.

"Employee"

(i) For the purposes of this section, "employee" means a permanent employee, or a temporary, probationary, exempt,

or limited term employee who previously had permanent status and who, since such permanent status, has had no break in the continuity of his state service.

"Former position"

(j) For the purpose of this section, "former position" means the last position in which the employee had permanent or probationary status.

Applicability

(k) The provisions of this section, as amended by the 1955 Regular Session of the Legislature, shall apply to any person who subsequent to January 4, 1943, vacated a position in which he held permanent civil service status to accept appointment by the Governor to an office to serve at his pleasure or for a fixed term, or to accept appointment to a position defined as "an exempt deputy or assistant position" pursuant to paragraph (e) of this section, as amended by enactment at the 1955 Regular Session of the Legislature.

CHAPTER 1943

An act to add Section 24051.1 to the Financial Code, relating to exemptions from the California Small Loan Law.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955]

The people of the State of California do enact as follows:

SECTION 1. Section 24051.1 is added to the Financial Code, to read:

24051.1. This division does not apply to any loan of credit made pursuant to a plan having all of the following characteristics:

(a) Credit cards are issued pursuant to the plan which will enable the persons named thereon to obtain prepared foods or accommodations and services incidental thereto, from persons other than the person issuing said cards, on credit.

(b) The fee for such credit cards is designed to cover the administrative costs of the plan and does not exceed ten dollars ($10) per year.

(c) Any additional charges, discounts, or fees for participation in the plan are paid directly to the person issuing said credit cards by the persons selling prepared foods or accommodations and services incidental thereto to holders of such credit cards, and are not added to the cost of the prepared foods or accommodations and services incidental thereto or paid by the purchasers thereof in any way.

CHAPTER 1944

An act to amend Sections 6841 and 7098 of, to repeal Section 8006.1 of, the Education Code, to repeal Section 16.6 of Chapter 1510 of the Statutes of 1953, and to add Section 2054 to the Penal Code, relating to the Public School System or private school in state institutions, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 7098 of the Education Code is amended to read:

7098. For the 1955-56 Fiscal Year, the Superintendent of Public Instruction shall allow each district maintaining classes for adults in any state institution for adults or in any city, county, or city and county jail, road camp or farm for adults during the 1954-1955 Fiscal Year, the total expenses for such classes, as such total expense is reported to him in accordance with regulations that he is herewith authorized to adopt, not to exceed the amount expended for salaries of teachers in such classes increased by one-tenth. Salaries of such teachers for purposes of this section shall not exceed the salaries as set by the governing board for teachers in other classes for adults maintained by the district. The total amount allowed shall not be less than one hundred twenty dollars ($120), nor more than one hundred forty-eight dollars ($148), for each unit of average daily attendance during the preceding fiscal year in such classes for adults. Expenses for instruction

SEC. 2. Section 16.6 of Chapter 1510 of the Statutes of 1953 is repealed. Repeal

SEC. 3. Section 8006.1 of the Education Code is hereby repealed. Repeal

SEC. 4. Section 2054 is added to the Penal Code, to read:

2054. In enacting this section, it is the intent of the Legislature to continue to provide for the academic education of adult inmates of state institutions and facilities under the jurisdiction of the Department of Corrections. Academic education for inmates

The Director of Corrections may establish and maintain classes for such inmates by utilizing personnel of the Department of Corrections, or by entering into an agreement with the governing board of a school district or private school or the governing boards of school districts under which the district shall maintain classes for such inmates. The governing board of a school district or private school may enter into such an agreement regardless of whether the institution or facility at Agreements Establish, etc., classes

which the classes are to be established and maintained is within or without the boundaries of the school district.

Same Reimbursement

Any agreement entered into between the Director of Corrections and a school district or private school pursuant to this section shall require the Department of Corrections to reimburse the school district or private school for the cost to the district or private school of maintaining such classes, but such cost shall not exceed the amount expended by the district for salaries of the teachers for such classes, increased by one-tenth. Salaries of such teachers for the purposes of this section shall not exceed the salaries as set by the governing board for teachers in other classes for adults maintained by the district, or private schools.

Apportionment not by attendance

Attendance or average daily attendance in classes established pursuant to this section or in classes in trade and industrial education or vocational training for adult inmates of institutions or facilities under the jurisdiction of the Department of Corrections shall not be reported to the State Department of Education for apportionment and no apportionment from the State School Fund shall be made on account of average daily attendance in such classes.

Prohibition

No school district or private school shall provide for the academic education of adult inmates of state institutions or facilities under the jurisdiction of the Department of Corrections except in accordance with this section.

Funds

The Legislature hereby declares that for each fiscal year, commencing with the 1955-1956 Fiscal Year, funds for the support of the academic education program for inmates of the institutions or facilities under the jurisdiction of the Department of Corrections shall be provided, upon appropriation by the Legislature, to the Department of Corrections at the rate of thirty-three dollars ($33) multiplied by the total number of inmates which the Department of Corrections estimates will be in such institutions or facilities on December 31st of the fiscal year.

Application of section

This section applies only to the program of academic education for inmates.

SEC. 5. Section 6841 of the Education Code is amended to read:

Attendance

6841. In classes for adults, a day of attendance is 180 minutes of attendance but no pupil shall be credited with more than 15 clock hours of attendance during any one school week unless he is enrolled in a class in citizenship or in a trade or industrial subject as trade or industrial subject is defined by the State Board of Education.

Duration

SEC. 6. The provisions of Section 6841 of the Education Code with respect to a day of attendance and to the crediting of attendance in classes for adults in any state institution for adults or in any city, county, a city and county jail, road camp or farm, deleted by the amendment to such section made by

Section 5 of this act, shall remain in effect after the effective date of this act, solely for the purpose of making allowances in the 1955-1956 Fiscal Year for average daily attendance during the 1954-1955 Fiscal Year, pursuant to Section 7098 of the Education Code.

Appropriation

SEC. 7. The sum of four hundred eighty-nine thousand five hundred eighty-five dollars ($489,585) is hereby appropriated from the General Fund to the Department of Corrections to be expended during the 1955-1956 Fiscal Year for the purpose of Section 2054 of the Penal Code.

Urgency

SEC. 8. 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, to become operative July 1, 1955. The facts constituting such necessity are:

In order to reimburse school districts during the 1955-56 Fiscal Year for expenditures made during the 1954-55 Fiscal Year for educational programs in state institutions for adults or in any city, county, or city and county jail, road camp, or farm for adults, it is necessary that this act take effect immediately.

CHAPTER 1945

An act to add Section 203.1 to the Welfare and Institutions Code, relating to cooperation between counties in providing welfare services.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 203.1 is added to the Welfare and Institutions Code, to read:

203.1. The board of supervisors in each county may contract with any other county or counties for the joint operation and maintenance of such welfare services as are provided in one or more of the contracting counties, and for the establishment and maintenance of such public welfare special assistance programs as the board of supervisors shall deem to be desirable as a means of discharging the general duties of the counties to provide for the health and the care of the indigent, the sick, and the aged. The cost of such jointly established or maintained services shall be shared equitably by the participating counties. In establishing and maintaining such services the counties shall seek the employment of personnel who are qualified by their training and education.

CHAPTER 1946

An act to amend Sections 2305 and 2306 of the Welfare and Institutions Code, relating to institutions and boarding homes for aged persons.

In effect September 7, 1955

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955]

The people of the State of California do enact as follows:

SECTION 1. Section 2306 of the Welfare and Institutions Code is amended to read:

2306. No License Shall Be Transferred. Neither the location of any institution, boarding home, or other place specified in Section 2300, nor the place of performance of any service specified therein shall be changed without the written consent of the Department of Social Welfare or of an approved and accredited inspection service. No license issued under this chapter shall be deemed to have value for sale or exchange as property, and it shall be a misdemeanor for any person, whether acting as principal, agent, broker, or otherwise, to sell or attempt to sell or otherwise trade or deal with any license for commercial purposes.

SEC. 2. Section 2305 of said code is amended to read:

2305. Failure to comply with any rule or regulation promulgated under Section 2300 is cause for revocation or suspension of a permit or license by the Department of Social Welfare. Any person whose permit or license is revoked or suspended shall have the right to appeal to the Department of Social Welfare. 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 department shall have all the powers granted therein.

CHAPTER 1947

An act to amend Section 13025 of the Water Code, relating to control of water pollution.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 13025 of the Water Code is amended to read:

13025. Whenever a regional board fails to take or obtain appropriate action to correct any particular existing or threatened condition of pollution or nuisance, the state board shall direct that action to correct the condition be taken by any state agency having jurisdiction or may, itself, take such action.

In taking any such action the state board is vested with the powers granted to the regional boards in Sections 13053, 13054, and 13055 and Article 3, Chapter 4, of this division, and the state board shall follow the procedures set forth therein.

The state board upon finding that a contamination exists and is not being corrected, shall direct that action be taken by any state agency having jurisdiction.

CHAPTER 1948

An act to amend Sections 35120, 35121, 35307, 35312 and 35313 of the Government Code, relating to annexation of territory.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 35120 of the Government Code is amended to read:

35120. At any time not later than the hour set for hearing objections to the election, any owner of property within the territory may make a written protest against the election. If at the time set for hearing objections to the election, there are insufficient protests to terminate further proceedings, supplemental protests may be filed within 10 days thereafter. The protest shall state in general terms the name of the owner of the property affected and the location and area of the property. As used in this article, "owner" means the owner as shown on the last equalized assessment roll, or the person or persons entitled to be shown as owner on the last equalized assessment roll, or where such land is subject to a recorded written agreement to buy, the purchaser under such agreement to buy shall be deemed the owner. Protests may be made on behalf of the owner by an agent.

Protests

"Owner"

SEC. 2. Section 35121 of said code is amended to read:

35121. At the time set for hearing protests, or to which the hearing may have been continued, the city legislative body shall hear and pass upon all protests so made. If it finds that protest is made by the owners of one-half of the value of the territory proposed to be annexed 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, further proceedings shall not be taken. The value to be given publicly owned property for protest purposes shall be determined by the legislative body. As used in this article, "value of the territory" means the value of the land, exclusive of improvements thereon.

Hearing

SEC. 3. Section 35307 of said code is amended to read:

Time

35307. The hearing shall be set not less than 40 nor more than 60 days after the passage of the resolution, unless the owner or owners of all of the territory to be annexed have petitioned for annexation or filed their consent to such annexation in writing with the legislative body, in which event the hearing may be set not less than 15 days after the passage of the resolution.

SEC. 4. Section 35312 of said code is amended to read:

Protests

35312. At any time before the hour set for hearing objections, any owner of property within the territory may file written protest against the annexation. The protest shall state the name of the owner of the property affected and the description

"Owner"

and area of the property in general terms. As used in this article, "owner" means the owner as shown on the last equalized assessment roll, or the person or persons entitled to be shown as owner on the last equalized assessment roll, or where the property affected is subject to a recorded written agreement to buy, the purchaser under such agreement to buy shall be deemed the owner. Protests may be made on behalf of the owner by an agent.

SEC. 5. Section 35313 of said code is amended to read:

Hearing

35313. At the time set for hearing protests, or to which the hearing may have been continued, 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, further proceedings shall not be taken. The value to be given publicly owned property for protest purposes shall be determined by the legislative body. As used in this article, "value of the territory" means the value of the land and improvements thereon.

CHAPTER 1949

An act to amend Section 12657 of, and to add Section 12656.5 to, the Water Code, relating to flood protection of Middle Creek.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 12656.5 is added to the Water Code, to read:

12656.5. The project for flood protection on Middle Creek, California, is hereby authorized and adopted substantially in accordance with the recommendation of the Chief of Engineers

in House Document numbered 367, Eighty-first Congress, and adopted and authorized by the act of Congress approved August 17, 1954, at an estimated state cost of seven hundred ninety thousand dollars ($790,000).

SEC. 2. Section 12657 is amended to read:

12657. Except as otherwise provided in Chapters 1 and 2 of this part, the Reclamation Board shall give assurances satisfactory to the Secretary of War that the local cooperation, required by Section 3 of the act of Congress approved December 22, 1944 (Public, numbered 534, Seventy-eighth Congress, Second Session), and Section 2 of the act of Congress approved August 18, 1941 (Public, numbered 228, Seventy-eighth Congress, First Session), will be furnished by the State in connection with the flood control projects authorized and adopted in Sections 12648, 12650, 12651, 12652, 12654, and 12656.5 and on any flood control projects on any stream flowing into or in the Sacramento Valley or the San Joaquin Valley hereafter approved and authorized by Congress.

CHAPTER 1950

An act to add Section 12663 to the Water Code, relating to a plan for construction of the Cache Creek Project for flood control and water conservation purposes.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 12663 is added to the Water Code, to read:

12663. The plan of improvement for flood control and water conservation on Cache Creek, including Clear Lake, in Yolo and Lake Counties, is hereby adopted and authorized generally in accordance with the plan and recommendations relating thereto contained in the report dated March 4, 1955 (Reports of State Water Resources Board), at an estimated cost to the State of two million five hundred thousand dollars ($2,500,000) for lands, easements and rights of way, including all utility and highway relocations, necessary for the construction of said project. No funds shall be expended on planning or constructing a dam at the Guinda site below Rumsey on Cache Creek until the Wilson Valley area has been completely investigated and studied and determined by the board not to have comparable engineering and economic feasibility as compared to the Guinda site as recommended in said report.

CHAPTER 1951

An act to amend Section 414 of the Vehicle Code, relating to financial responsibility.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 414 of the Vehicle Code is amended to read:

Proof of ability to respond in damages

414. Proof of Ability to Respond in Damages. Proof of ability to respond in damages when required by this code means proof of ability to respond in damages resulting from the ownership or operation of a motor vehicle and arising by reason of personal injury to, or death of, any one person, of at least five thousand dollars ($5,000) and, subject to the limit of five thousand dollars ($5,000) for each person injured or killed, of at least ten thousand dollars ($10,000) for such injury to, or the death of, two or more persons in any one accident, and for damages to property (in excess of one hundred dollars ($100)), or at least one thousand dollars ($1,000) resulting from any one accident. Such proof of ability to respond in damages may be given in any manner hereinbelow authorized.

Certificates

(a) Proof of ability to respond in damages may be given by the written certificate or certificates of any insurance carrier duly authorized to do business within the State, that it has issued to or for the benefit of the person named therein a motor vehicle liability policy or policies as defined in Section 415, which, at the date of said certificate or certificates is in full force and effect, and designated therein by explicit description or by other appropriate reference all motor vehicles with respect to which coverage is granted by the policy certified to. The department shall not accept any certificate or certificates unless the same cover all motor vehicles registered in the name of the person furnishing such proof, except that this provision shall not apply to vehicles in storage; provided, the current license plates and registration cards are surrendered to the Department of Motor Vehicles in Sacramento. Additional certificates shall be required to furnish such proof. Said certificate or certificates shall certify that the motor vehicle liability policy or policies therein cited shall not be canceled except upon 10 days' prior written notice to the department.

Bond

(b) Proof of ability to respond in damages may be given by the bond of a surety company duly authorized to do business within the State, or a bond of individual sureties each owning unincumbered real estate, approved by a judge of a court of record. Such bond shall be conditioned for the payment of the amount specified in this section, and shall provide for the entry of judgment on motion of the State in favor of any holder of any final judgment on account of damages to property over one

hundred dollars ($100) in amount, or injury to any person caused by the operation of such person's motor vehicle, in the same manner as provided in Section 942 of the Code of Civil Procedure for the entry of judgment upon appeal bonds.

(c) Proof of ability to respond in damages may be given by the deposit with the department by such person of eleven thousand dollars ($11,000) which amount shall be deposited in a special deposit account with the State Controller for the purpose of this section. The department shall not accept a deposit of money where any judgment or judgments theretofore recovered against such person as a result of damages arising from the operation of any motor vehicle shall not have been paid in full. Deposit

Money heretofore deposited with the State Treasurer for the purposes set forth in this section shall be paid to the department by the State Treasurer for deposit with the State Controller for the purposes of this section.

(d) Proof of ability to respond in damages may be given by the written certification of a self-insurer holding a certificate of self-insurance for bodily injury and property damage issued by the department under Section 422.4. Self-insurer

Such certification shall name the employee in whose behalf it is filed and shall bind the self-insurer in a like manner and to the same amounts as provided for elsewhere in this section for damages arising from the operation of a motor vehicle by such employee within the scope of his employment by the self-insurer. In such case, the department shall restrict any operator's or chauffeur's license issued to such employee to the operation of motor vehicles owned by the self-insurer within the scope of his employment by the self-insurer.

Such certification shall be canceled upon 10 days' prior written notice to the department by the self-insurer.

CHAPTER 1952

An act to amend Section 3234 of the Public Resources Code, relating to oil and gas.

[Approved by Governor July 9, 1955 Filed with Secretary of State July 11, 1955]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 3234 of the Public Resources Code is amended to read:

3234. The records of any operator, when filed with the district deputy, as provided in this chapter, shall be open to inspection to those authorized in writing by such operators, to the state officers, and to the district board of oil and gas commissioners.

Such records shall in no case other than those expressly provided in this chapter, be available as evidence in court proceedings. No officer or employee or member of any district board of commissioners shall be allowed to give testimony as to the contents of such records, except at such court proceedings as are provided in this chapter for the review of a decision of the supervisor or a district board of commissioners, or in any proceeding initiated for the enforcement of an order of the supervisor, or for the enforcement of a lien created by this chapter, or for the collection of an assessment levied pursuant to this chapter, or in criminal proceedings arising out of such records or the statements upon which they are based.

A copy of any document, order, requisition, or decision made, executed, or issued by the supervisor or the district deputy, when certified by the supervisor or the district deputy to be a true copy of the original, shall be received in evidence in any proceeding herein provided, in like manner and with the same effect as the original.

The records of any operator who is defunct or no longer in business in California and which relate to an abandoned or deserted well shall be open to inspection or for copying by anyone after the supervisor determines that the conditions specified are met.

CHAPTER 1953

An act to amend Section 53651 of the Government Code, relating to security for deposit of public funds in banks.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 53651 of the Government Code is amended to read:

53651. To secure active or inactive deposits, the depositary shall deposit with the Treasurer:

(a) United States Treasury notes, bonds, bills or certificates of indebtedness.

(b) Bonds for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Bonds of this State or of any local agency or district of the State of California having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such local agency or district, in addition to bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by such state, local agency or district or by a department, board, agency or authority thereof.

(d) Bonds of any local housing agency (as defined in the United States Housing Act of 1937, as amended) as are secured

by a pledge of annual contributions under an annual contribution contract between such public housing agency and the Public Housing Administration if such contract shall contain the covenant by the Public Housing Administration which is authorized by subsection (b) of Section 22 of the United States Housing Act of 1937, as amended, and if the maximum sum and the maximum period specified in such contract pursuant to said subsection 22(b) shall not be less than the annual amount and the period for payment which are requisite to provide for the payment when due of all installments of principal and interest on such obligations.

(e) Registered warrants of this State.

CHAPTER 1954

An act to add Section 6210.9 to the Public Resources Code, relating to natural resources, the conservation, utilization, and supervision thereof, and matters incidental thereto.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 6210 9 is added to the Public Resources Code, to read:

6210.9. If the State Lands Commission has public land for sale to which there is no access available, it may, in the name of the State, acquire by purchase, lease, gift, exchange, or, if all negotiations fail, by condemnation, a right of way or easement across privately owned land or other land that it deems necessary to provide access to such public land.

CHAPTER 1955

An act to amend Section 51362 of the Water Code, relating to reclamation districts.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 51362 of the Water Code is amended to read:

51362. The tax shall not exceed the rate of seventy-five cents ($0.75) on each one hundred dollars ($100) of the value assessed on the county tax roll of all taxable land and improvements thereon within the district.

CHAPTER 1956

An act to amend Section 1500 of the Welfare and Institutions Code, and to repeal Section 1642 thereof, relating to aid to needy children.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

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:

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 the reason of death, continued absence from the home, or physical or mental incapacity of a parent, a needy person under the age of 18 years who has been relinquished to a county adoption agency, 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 if such person relinquished to such licensed organization was receiving assistance under this chapter at the time of such relinquishment or subsequent to relinquishment 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.

A child who is otherwise eligible and who is over 16 years of age shall not be granted assistance under this chapter unless:

1. He is regularly attending school, or
2. He is disabled, or
3. He is employed and contributing to the family.

SEC. 2. Section 1642 of said code is repealed.

SEC. 3. This act shall become operative on October 1, 1955.

CHAPTER 1957

An act to amend Section 1157.1 of the Government Code, relating to pay roll deductions.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 1157.1 of the Government Code is amended to read:

1157.1. Employees of a public agency, on approval of, and in accordance with the provisions made by the governing body

of the public agency, may authorize deductions to be made from their salaries or wages for the payment of dues in any bona fide association (a) whose members are comprised exclusively of the employees of such public agency, or (b) whose members are comprised exclusively of the employees of such public agency and one or more other public agencies the pay rolls of which are prepared by the same finance officer, or (c) whose members are comprised exclusively of the employees of such public agency together with former employees of such public agency if such former employees (1) were employees of such public agency at the time of joining such association, and (2) were members of such association at the time of ceasing to be such employees.

CHAPTER 1958

An act to add Article 4 to Chapter 3, Title 4, Part 4, Division 2 of the Civil Code, relating to gifts of securities to minors.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Article 4 is added to Chapter 3, Title 4, Part 4, Division 2 of the Civil Code, to read:

Article 4. Gifts of Securities to Minors

Gifts to minors

1154. Any adult person may make a gift of securities to a person who has not attained the age of 21 years on the date of the gift (hereinafter referred to as the "minor") in the following manner:

Registered securities

(a) Securities, if in registered form, shall be registered by the donor in his own name or in the name of any adult member of the minor's family or in the name of any guardian of the minor, followed by the words "as custodian, for _____, a minor, under the California Gifts
(Name of minor)
of Securities to Minors Act," and the securities shall be delivered to the person in whose name they are thus registered as custodian. If the securities are thus registered in the name of the donor as custodian such registration shall of itself constitute the delivery required by this section.

Bearer securities

(b) Securities, if in bearer form, shall be delivered by the donor to any adult member of the minor's family, other than the donor, or to any guardian of the minor, accompanied by a deed of gift duly acknowledged in substantially the following form, signed by the donor and the person designated therein as custodian:

"DEED OF GIFT UNDER THE CALIFORNIA GIFTS OF SECURITIES TO MINORS ACT

I, _____, do
(Name of donor)
hereby deliver to _____
(Name of custodian)
as custodian for _____,
(Name of minor)
a minor, under the California Gifts of Securities to Minors Act the following security (ies):
Principal amount $_____, of the _____,
(Description of security)
Serial number of security _____
or
Certificate No. _____, representing _____shares of the _____
(Class or type of stock)
stock of _____
(Name of company)

_____
(Signature of donor)

I, _____, do hereby
(Name of custodian)
acknowledge receipt of the above described security (ies).

_____
(Signature of custodian)

Dated: _____"

Custodian

(c) The person designated as a custodian under this section is hereinafter called "the custodian."

Gift irrevocable

1155. A gift made in the manner prescribed in Section 1154 shall be irrevocable and shall convey to the minor indefeasibly vested legal title to the securities thus delivered, but no guardian of the person or property of the minor shall have any rights, duties or authority with respect to any property while held by the custodian under the authority of this article unless said guardian shall himself be or become custodian in accordance herewith.

Custodian Duties, powers, etc

1156. (a) The custodian shall hold, manage, invest and reinvest the property held by him as custodian, including any unexpended income therefrom, as hereinafter provided. He shall collect the income therefrom and apply so much or the whole thereof and so much or the whole of the other property held by him as custodian as he may deem advisable for the support, maintenance, education and general use and benefit of the minor, in such manner, at such time or times, and to such extent as the custodian may deem suitable and proper, without court order, without regard to the duty of any person to support the minor and without regard to any other funds which may be applicable or available for the purpose. To the extent that property held by the custodian and the income

thereof is not so expended, it shall be delivered or paid over to the minor upon the minor's attaining the age of 21 years, and in the event that the minor dies before attaining the age of 21 years it shall thereupon be delivered or paid over to the estate of the minor.

(b) The custodian may sell, exchange, convert, or otherwise dispose of any and all of the securities or other property held by him in such manner and at such time or times, for such prices and upon such terms as he may deem advisable; he shall have the power in his sole and absolute discretion to retain any and all securities delivered to him within the meaning and under the authority of this article without reference to the statutes relating to permissible investments by fiduciaries; he shall invest the minor's property in such securities as would be acquired by prudent men of discretion and intelligence who are seeking a reasonable income and the preservation of their capital or hold part or all of the same in one or more bank accounts in his name as such custodian; he may vote in person or by general or limited proxy with respect to any securities held by him; he may consent directly or through a committee or other agent to the reorganization, consolidation, dissolution or liquidation of any corporations, the securities of which may be held by him, or to the sale, lease, pledge or mortgage of any property by or to any such corporation.

(c) In addition to the foregoing rights, powers and duties with respect to any securities or other property held by the custodian, the custodian, in his name as such custodian, shall have all the powers of management which a guardian of the property of the minor would have.

Duties of third persons

(d) The custodian may execute and deliver any and all instruments in writing which he may deem advisable to carry out any of the foregoing powers. No issuer of securities, transfer agent, registrar or bank or other person acting on the instructions of any person purporting to be a custodian or donor shall be responsible for determining whether any person has been duly designated as a custodian under this article, or whether any purchase, sale or transfer to or by any person as custodian is in accordance with or authorized by this article, or shall be obliged to inquire into the validity under this article of any instrument or instructions executed or given by a person purporting to act as custodian or donor, or be bound to see to the application by any person purporting to act as custodian of any money or other property paid or delivered to him. All registered securities held by the custodian from time to time shall be registered in his name followed by the words "as custodian for_____, a
(Name of minor)
minor under the California Gifts of Securities to Minors Act." All other property held by the custodian for the minor under the authority of this article shall be kept separate and distinct from the custodian's own personal funds and property and shall be maintained at all times in such a manner as to

Property to be kept separate

identify it clearly as the minor's property held by the custodian under the authority of this article.

Compensation, reimbursement

1157. A person acting as custodian, other than a guardian of the property of the minor, shall receive no compensation for his services but shall be entitled to reimbursement from the property held by him as custodian for the reasonable expenses incurred in the performance of his duties hereunder. A guardian of the property of the minor, when acting as custodian under the authority of this article, may receive such additional compensation for his services as guardian as he would be entitled to receive if the property held by him as custodian hereunder were held by him in his capacity as guardian, in addition to the other property of the minor held by him in that capacity.

Bond

1158. A custodian who is not compensated for acting as such shall be under no obligation to give bond for the faithful performance of his duties and shall not be liable for any losses to the property held by him except such as are the result of his bad faith or intentional wrongdoing or result from his investing the minor's property in a manner other than as prescribed in subdivision (b) of Section 1156.

Resignation

1159. A custodian may resign by executing and duly acknowledging an instrument of resignation but such resignation shall not become effective until the custodian has delivered all securities, properly endorsed if in registered form, and all other property held by him as custodian to the duly appointed guardian of the estate of the minor.

Death, incompetency

1160. In the event the custodian dies or is declared incompetent before the minor attains the age of 21 years, all securities and other property held by the custodian for the minor shall be administered as part of the minor's estate by the guardian of the minor in the same manner as if no custodian had been appointed.

Failure to render accounting

1161. If the custodian shall fail to render an accounting within a reasonable time after receipt of a written request therefor from the minor, his parent or guardian, then the Superior Court, upon the filing of a petition therefor by the minor, his parent or guardian, and after a hearing upon such notice to the custodian as the court may prescribe, may require the custodian to render an accounting, but no petition for an accounting may be filed later than two years after the minor attains the age of 21 years or dies before attaining the age of 21 years.

"Security"

1162. (a) The term "security" as used in this article means any note, stock, bond, debenture, evidence of indebtedness, collateral trust certificate, transferable share, voting trust certificate, certificate of deposit for a security or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, temporary or interim certificate for, or warrant or right to subscribe to or purchase, any of the foregoing.

(b) A security is in "registered form" when its terms specify a person entitled to the security or to the rights it evidences and specify that its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer. "Registered form"

(c) A security is in "bearer form" when it runs to bearer according to its terms and not by reason of any endorsement. "Bearer form"

(d) The term "member of the minor's family" as used in this section means the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption. "Member of the minor's family"

(e) The term "legal representative" as used in this section means, as may be appropriate in the circumstances, the executor, administrator, or general guardian of the property of the person to whose legal representative reference is made. "Legal representative"

(f) A gift made under authority of this article to a guardian of the minor as custodian shall be deemed to have satisfied the requirements of this article if the person to whom delivery has been made is either guardian of the person or guardian of the property of the minor, duly appointed in this State or in the state, territory or country where the minor was domiciled at the time of the delivery of the gift. Requirements deemed satisfied

1163. This article shall not be construed as providing an exclusive method for making gifts of securities to minors. Construction

1164. This article may be cited as the California Gifts of Securities to Minors Act. Short title

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CHAPTER 1959

An act to amend Sections 651 and 690 of, and to add Article 1.5 to Chapter 1 of Division 9 of, the Elections Code, relating to the canvassing of ballots.

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.] In effect September 7, 1955

The people of the State of California do enact as follows:

SECTION 1. Section 651 of the Elections Code is amended to read:

651. Except as otherwise provided in this section, in precincts in which voting machines are not used the precinct board consists of one inspector, two judges and three clerks: Precinct board

(a) At every state-wide election in which the precinct registration exceeds 100.

(b) At each municipal election except in cities:

(1) Of the fifth and sixth class.

(2) Where other provision is made by city charter.

(3) Where the election is held under the provisions of a city charter and a majority of the election board of the city determines one inspector, one judge and two clerks sufficient.

(c) At every other regular election for which other provision is not made by law or charter.

In lieu of the one inspector, two judges, and three clerks provided for in this section, the board of supervisors may, not less than 30 days prior to any election, find that a different number of election officers will be sufficient for the election and in such case may provide that the precinct board shall consist of either one inspector, one judge, and two clerks or one inspector, one judge, and three clerks; or, the precinct board shall consist of one inspector, one assistant inspector, and two judges, all of whom shall serve from the time of the opening of the polls on election day; provided, that said precinct board shall further consist of four clerks who shall serve immediately upon the closing of the polls for voting and the commencement of the canvass of the votes together with the inspector, assistant inspector and two judges, and each of which clerks shall be appointed, qualified and sworn as are the other members of the precinct board.

SEC. 2. Section 690 of said code is amended to read:

Compensation

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); except that in those precincts wherein the precinct board consists of not less than four clerks in addition to the other four members of said board, the compensation received by said four clerks shall not be more than five dollars ($5).

SEC. 3. Article 1.5 is added to Chapter 1 of Division 9 of said code, to read:

Article 1.5. Canvass by Eight-member Board After Closing of Polls

Canvass of ballots Removal of ballots

7035. In precincts in which the precinct board consists of not less than eight members appointed in accordance with the provisions of Article 3, Chapter 2 of Division 2 of this code, as soon as the polls are finally closed the precinct board shall immediately commence to canvass the votes by taking out of the box the ballots, unopened, except so far as to ascertain whether each ballot is single, and counting them to ascertain whether the number of ballots corresponds with the number of names on the roster kept by the precinct board.

Canvass to be public

7036. The canvass shall be in public, in the presence of bystanders, and shall be continued without adjournment until completed and the result is declared.

Ballots folded together

7037. If the precinct board finds two or more separate ballots so folded together as to present the appearance of a single ballot, it shall lay them aside until the accounting of the ballots

is completed. If upon comparison of the count with the number of names of voters on the roster, it appears that the two ballots folded together were cast by one voter, the precinct board shall reject them.

7038. After laying aside ballots folded together, the precinct board shall immediately replace all of the other ballots.

Excess ballots

7039. If the ballots in the box exceed in number the names on the roster, one of the judges shall publicly, and without looking into the box, draw out singly, and destroy, unopened, a number of ballots equal to such excess. The precinct board shall make a record upon the roster and tally list of the number of ballots so drawn and destroyed.

Roster, etc

7040. The number of ballots agreeing or being thus made to agree with the number of names on the roster, the inspector, the assistant inspector and judges shall sign the roster and also the certificate of ballots accounted for printed on the tally lists. The clerks shall attest the roster and the certificate of ballots accounted for on the tally lists. The precinct board shall then certify the number of names on the roster in the certificate printed therein as provided for by this code, except that such certificate shall also contain the signature of the assistant inspector and the fourth clerk, otherwise substantially in the form prescribed in Section 5565 of this code, and in the manner designated for certification and attestation of ballots accounted for.

Opening of ballots

7041. After the roster and tally lists are thus signed, the precinct board shall open the ballots, stacking them in one or more stacks according to the kinds of ballots voted at the precinct. As the ballots are unfolded and opened, they shall be examined for any irregularities. Any illegal ballots shall be rejected in the manner set forth in Section 7011. Those ballots not rejected shall be the ballots to be canvassed in the manner required by this article, notwithstanding provisions to the contrary contained elsewhere in this code.

Two groups

7042. The canvass shall be conducted by the eight members of the precinct board by forming themselves into two groups as follows:

(a) Group one shall consist of the inspector, one judge and two clerks.

(b) Group two shall consist of the assistant inspector, the remaining judge and two clerks.

Count

The inspector shall have charge of all ballots to be canvassed and shall commence the canvass by proceeding to count by taking off the vote for one or more offices or measures at a time, for only those offices or measures contained in the tally lists prepared for use by group one. As soon as 10 ballots have been canvassed by group one for as many offices or measures as provided for in their tally lists, the inspector shall, without delay, personally deliver these counted ballots direct to the assistant inspector, who shall, in like manner, proceed with the canvass

of the remainder of the offices or measures contained in the tally lists prepared for use by group two. The ballots, upon being canvassed by group two, shall remain in the possession of the assistant inspector until the canvass of all ballots by both group one and group two has been completed and verified. Thereafter, the ballots shall not be examined by any person, but shall, as soon as all are counted, be carefully sealed in a strong envelope, each member of the precinct board writing his name across the seal.

Tally lists

7043. The tally list shall be in such form as may be prepared by the county clerk, clerk, or secretary of the body conducting the election, except that it shall be prepared in such manner as to provide for the canvass of approximately one-half of the sum total of candidates and measures appearing on the ballots for the precinct in two tally books prepared and furnished for the use by group one of the precinct board, while the remaining approximately one-half of the candidates and measures shall be contained in an additional two tally lists prepared and furnished for use by group two of the precinct board. The tally lists shall be prepared with the names of candidates and measures in the same chronological order as they appear upon the ballots and shall otherwise conform to the provisions of Section 7019, except that the certificate shall be signed by the members of the group canvassing the ballots tallied therein. The tally lists shall be distinctly marked for group one and group two.

Applicable provisions

7044. In all other respects the canvass and declaration of results shall be made in the manner provided in Article 1 of Chapter 1, Division 9, and the duties of the assistant inspector shall be the same as those of the inspector in relation to the canvass of the ballots by group two.

CHAPTER 1960

An act to amend Section 5658 of the Public Resources Code, relating to park, recreation and parkway districts, declaring the urgency thereof, to take effect immediately.

In effect immediately

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 5658 of the Public Resources Code is amended to read:

5658. The board of district trustees shall

(a) Make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the property, improvements and facilities under its management and belonging to the district.

(b) Employ and pay persons necessary properly and adequately to maintain and operate the property, improvements and facilities under its control. The board may employ personnel at the pleasure of the board or by contract, and may establish a merit system, retirement privileges, and provide for other employment practices either directly or through contractual arrangement with the State or other public agencies.

(c) Purchase, or otherwise acquire, such real property, equipment, and buildings; or erect such buildings, as in its judgment may be necessary properly to carry out the provisions of this article.

(d) In addition to any bonded indebtedness issued pursuant to vote of the electors, to borrow money, give security therefor, purchase on contract, and do and perform any and all acts and things necessary or proper to carry out the provisions of this article, but no tax levy shall ever be made for any purpose of this clause (d) above the maximum permitted by this article, and all indebtedness incurred by the district under this clause (d) must be repaid in approximately equal annual installments during a period not to exceed five years from the date on which it is incurred and shall bear interest at a rate not exceeding 6 percent per annum payable annually or semiannually or in part annually and in part semiannually. Each such indebtedness shall be authorized by a resolution adopted by the affirmative votes of at least four-fifths of the members of the governing body of the district and shall be evidenced by a promissory note or contract signed by at least four-fifths of the members of the governing body of the district. At the time of making the general tax levy after incurring each such indebtedness and annually thereafter until such indebtedness is paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on such indebtedness as they become due, the governing body of the district shall levy and collect a tax sufficient to pay the interest on such indebtedness and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available. This clause (d) shall not apply to any bonded debt authorized by vote of the electors.

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:

Recreational facilities are urgently needed throughout the State to provide for California's rapidly growing population. In order to issue and sell bonds to provide financing for such facilities and thereby to preserve the health and safety of the people of the State, it is necessary that this act take effect immediately.

CHAPTER 1961

An act to add Section 1632 to the Welfare and Institutions Code, relating to institutions for child care.

In effect September 7, 1955

[Approved by Governor July 9, 1955. Filed with Secretary of State July 11, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 1632 is added to the Welfare and Institutions Code, to read:

1632. Each person who operates and lives in, or who is employed in, an institution licensed by the State Department of Social Welfare pursuant to subsection (a) of Section 1620 of this code shall have on file with the institution a certificate from a physician showing that he has submitted to an X-ray of the lungs during the preceding year, and has been found free from active tuberculosis. The provisions of this section shall not apply to any boarding home, institution or other facility for the reception and care of children operated by and for the adherents of a bona fide church, sect, or denomination and who rely upon prayer in the practice of religion for their protection and health; provided, such institution, boarding home or other facility for the reception and care of children limits its admission to members of the particular faith of those operating the facility.

CHAPTER 1962

An act to amend Section 7802 of and add Section 7804 to the Education Code, relating to state school building aid.

In effect September 7, 1955

[Approved by Governor July 12, 1955. Filed with Secretary of State July 13, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 7802 of the Education Code is amended to read:

Allocation of funds

7802. Allocations under this article may be made in such amount as may be necessary, and in such manner as to distribute the available funds equitably among school districts, giving consideration to the needs of each district and the number of children within each district who are blind, partially seeing, deaf, hard of hearing, mentally retarded, orthopedically handicapped or cerebral palsied.

In computing the number of such children there shall be included:

(a) The number of them residing in the district.

(b) The number of handicapped minors who are actually living within the district five or more days a week, although their legal residence may be outside the district and who are educated pursuant to Section 9601.1.

(c) The number of them who reside outside of the district, except those described in subdivision (b), and who are to be educated by the district, excluding mentally retarded minors within the provisions of Section 9801.1 who reside within a district having an average daily attendance of 900 or more and which does not meet the requirements of Section 7719 concerning outstanding bonded indebtedness.

SEC. 2. Section 7804 is added to the Education Code, to read:

7804. With the approval of the county superintendent of schools, a school district may make application for an allocation under this article for facilities for the education of mentally retarded minors pursuant to subdivision (a) of Section 9807 by the county superintendent of schools. Facilities for which an apportionment is made under this section shall be made available for use by the county superintendent of schools for the education of mentally retarded minors pursuant to subdivision (a) of Section 9807, until he ceases to conduct such classes therein or until the superintendent of schools of a county other than the county whose superintendent of schools approved the application made under this section acquires jurisdiction over the location of such facility, whichever first occurs. Not more than 50 percent of the amount of any apportionment made pursuant to this section shall be repaid. Repayments shall be made in the following manner: Ten percent of the amount of the apportionment shall be subject to repayment by the district to the extent, and in the manner prescribed in Article 1 of this chapter for apportionments other than those made pursuant to Section 7714.1. Forty percent of the amount of the apportionment shall be repaid in full with interest by the district, in such annual amounts and over such period as the board may determine, not to exceed 20 years from the date the apportionment became final. The county board of supervisors of the county whose superintendent of schools conducts classes in such facility during any fiscal year shall at such time or times within such fiscal year as may be agreed upon between the county and the school district, but in any case not later than the end of such fiscal year, pay to the school district having the obligation to repay the apportionment made under this section for the construction of such facility, an amount equal to the amount the district is required to repay in said fiscal year with respect to the 40 percent of the amount of the apportionment described above.

Application for allocation

Facilities to be made available

Repayments

In determining the number of children for whom such facilities shall be provided, there shall be included only the number of them residing in elementary or unified school districts with less than 900 average daily attendance.

Amount of facilities

Allocations made pursuant to this section shall not exceed a total of five hundred thousand dollars ($500,000) for all districts.

Limit on allocations

CHAPTER 1963

An act to add Chapter 4 to Division 7 of the Vehicle Code, relating to motor vehicles involved in accidents.

In effect September 7, 1955

[Approved by Governor July 12, 1955. Filed with Secretary of State July 13, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 is added to Division 7 of the Vehicle Code, to read:

CHAPTER 4. SUSPENSION OF REGISTRATION OF MOTOR VEHICLES INVOLVED IN ACCIDENTS

Vehicles subject to suspension

424. Motor Vehicles Subject to Suspension. Any motor vehicle involved in an accident described in Section 419 shall be subject to suspension of the registration card and license plates unless the owner or driver complies with one of the conditions for exemption specified in Section 422 or deposits the security determined by the department pursuant to Section 420 within ten (10) days after notice by the department specifying the amount of security.

Suspensions

424.1. Suspensions. (a) Whenever both the owner and operator of a motor vehicle involved in an accident described in Section 419 have failed within fifty (50) days after such accident to establish exemption from security requirements as provided in Section 422 and have failed to deposit security, as determined pursuant to Section 420 within ten (10) days after notice by the department specifying the amount of security, the department, in addition to the action required to be taken by it pursuant to Section 421, shall also suspend and require delivery to the department of the California registration card and license plates assigned to such motor vehicle; provided, however, that such suspension of registration shall not apply upon filing of evidence with the department that such vehicle was not, at the time of such accident, being operated with the permission, express or implied, of such owner. The suspension shall become effective not later than the seventy-sixth (76th) day after receipt by the department of the accident report required by Section 419.

(b) Whenever the registration card and license plates of any motor vehicle are suspended pursuant to subdivision (a) of this section, the owner of such motor vehicle shall forthwith cause it to be stored at the expense of the owner, in such private or public garage or storage place or places in this State as the owner may select and shall continue such storage for such period of time as is provided in this chapter.

The department shall suspend the registration card and license plates of the motor vehicle of any resident of this State upon receiving notice from another state that his nonresident privileges to operate such motor vehicle in that state have been

suspended for failure to meet the security provisions of the law in that state (provided that the suspension in that state was taken on the same grounds that would have resulted in a suspension in this State).

Nonresidents: Suspension

424.2. Application to Nonresidents. Whenever the owner of a motor vehicle involved in an accident described in Section 419 is a nonresident, the suspension provisions of Section 424.1 shall apply to the privilege of operating such motor vehicle within this State and the motor vehicle shall be stored by said nonresident owner as provided in subdivision (b) of Section 424.1.

Return of credentials

424.3. Duty of Owner After Suspension. Immediately upon the suspension becoming effective, such owner or his representative shall forthwith return the California registration card and license plates assigned to such motor vehicle to the department. If the owner fails to return such registration card and license plates the department is authorized to take possession thereof or to direct any appropriate police officer to take possession thereof and to return the same to the department.

Duration

424.4. Duration of Suspension and Storage. The suspension and storage of such motor vehicle shall continue until:

(a) The owner or driver has complied with one of the conditions for exemption specified in Section 422; or

(b) Security has been deposited as required by Section 420; or

(c) All judgments or claims referred to in Chapters 2 and 3 have been discharged; or

(d) A period of one year has elapsed following the date of such accident or following the date when such security was required under Section 422.3 subdivision (c) and during such time no action at law for any damages arising out of the accident or upon a duly acknowledged settlement agreement has been instituted and is pending.

Judgment, execution

424.5. Release of Motor Vehicle to Execution. If a final judgment has been recovered in an action arising out of the accident against the owner of the motor vehicle stored pursuant to this chapter, the provisions of this chapter shall not prevent the seizure of such vehicle under an execution issued pursuant to such judgment.

Transfer of title

424.6. Sale of Motor Vehicles. No owner, including a purchaser under a conditional sales contract, of a motor vehicle of which the registration card and license plates are suspended under the provisions of Section 424.1 shall transfer title to said motor vehicle nor his interest therein unless he furnishes to the department security in an amount which the department is satisfied is equivalent to the value of said vehicle or his interest therein, but not exceeding the amount of security fixed by the department under Section 420.

Construction

424.7. Rights and Remedies of Lien Holds as to Stored Motor Vehicles. (a) Nothing in this chapter shall affect the interest of any legal owner holding a valid mortgage, condi-

tional sales contract or other lien on the stored vehicle nor any right or remedy of such legal owner, including the right to take possession thereof, nor the interest or rights of any lessor of such vehicle, subject to payment by such persons of the accrued cost, if any, of storage of the stored vehicle.

Security deposits

(b) Such persons shall, after the sales of such vehicles for the satisfaction of any interests therein, remit to the department as deposits of security under Section 420 on behalf of the former owners or purchasers of such vehicles any sums which such owners or purchasers would otherwise be entitled to receive to the extent of the required deposit.

Misdemeanor

424.8. Penalties for Violation. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars ($1,000) for each offense or by imprisonment in the county jail for not more than ninety (90) days, or both.

Operative date

SEC. 2. This act shall take effect July 1, 1956.

CHAPTER 1964

An act to amend Sections 6851, 6852, 6857, 6859, 6862, 6864, 6866, 6871, 6875, 6878, 6880, 6881, 6885, 6887, 6889, 6890, 6891, 6895, 6908, 6909, 6915, 6917, 6925, 6956 of, to add Sections 6892 and 6949 to, and to repeal Section 6858 of, the Business and Professions Code, relating to collection agencies.

In effect September 7, 1955

[Approved by Governor July 12, 1955. Filed with Secretary of State July 13, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 6851 of the Business and Professions Code is amended to read:

"Person"

6851. (a) "Person" includes firm, partnership, association or corporation.

"Office of the board"

(b) "Office of the board" means the Office of the Secretary of State.

SEC. 2. Section 6852 of said code is amended to read:

"Collection agency"

6852. "Collection agency" means and includes all persons engaging, directly or indirectly and as a primary or secondary object, business, or pursuit, in soliciting claims for collection or in the collection of claims owed or due or asserted to be owed or due to another. Any person, when engaged in collecting claims for another, where the employment is for one or more persons, is engaged as a collection agency.

SEC. 3. Section 6857 of said code is amended to read:

"Chief"

6857. (a) "Chief" refers to the Chief, Division of Collection Agencies.

"Board"

(b) "Board" refers to the State Collection Agency Board.

(c) "Unincorporated association" means an unincorporated group of persons organized primarily for the collection of claims of its own members. "Unincorporated association"

SEC. 4. Section 6858 of said code is repealed. Repeal

SEC. 5. Section 6859 of said code is amended to read:

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. "Qualified person"

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. Service in armed forces

SEC. 6. Section 6862 of said code is amended to read:

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: Chief· Residence

(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 immediately preceding appointment, or three years as assistant chief, or a total of five years' experience in any combination as assistant chief and as an owner, operator, or manager. Experience

(2) He shall be qualified to organize a collection agency and be thoroughly familiar with its operational procedure. Qualifications

(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: Assistant chief Residence

(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 immediately preceding appointment. Experience

(2) He shall be qualified to organize a collection agency and be thoroughly familiar with its operational procedure. Qualifications

(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. 7. Section 6864 of said code is amended to read:

Board: Personnel

6864. The State Collection Agency Board consists of five members appointed by the Secretary of State.

Terms

The members of the board shall serve for a period of three years.

Vacancies

In every instance, each board member shall hold office until the appointment and qualification of his successor. Vacancies shall be filled by the appointing power for the unexpired term.

Quorum

Except as in this chapter otherwise specifically provided, three members of the board shall constitute a quorum for the transaction of any business.

SEC. 8. Section 6866 of said code is amended to read:

Rules and regulations

6866. The Secretary of State with the concurrence of the board may establish and enforce such rules and regulations as may be reasonable or necessary for the examination and licensing of applicants, for the conduct of licensees and for the general enforcement of the various provisions of this chapter in the protection of the public The Secretary of State shall distribute to each licensee and each applicant for a license copies of such rules and regulations. Such rules and regulations shall be adopted, amended, or repealed in accordance with the provisions of the Administrative Procedure Act.

The wilful violation of any rules and regulations established by the Secretary of State for the conduct of licensees is sufficient ground for revocation of the license of a licensee, or other disciplinary action.

SEC. 9. Section 6871 of said code is amended to read:

Misdemeanor

6871. In addition to any other penalty, any person, firm, corporation or voluntary association, or any officer or director of any corporation or association carrying on business as a collection agency without first having obtained a license pursuant to this chapter or who carries on such business after the revocation or expiration of any license is 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.

The prosecuting officer of any county or city shall prosecute all violations of this chapter occurring within his county.

SEC. 10. Section 6875 of said code is amended to read:

License application

6875. Application for a license shall be made in writing to the Secretary of State in such form as may be required by the Secretary of State and shall be referred to the board for approval.

Subject to the provisions of this chapter, any application for a license may be made by any qualified person.

SEC. 11. Section 6878 of said code is amended to read:

Verification, filing

6878. If applicant is an individual, the application shall be subscribed and verified under oath by the applicant; if applicants are copartners, an 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. 12. Section 6880 of said code is amended to read:

Financial statement

6880. The application shall also be accompanied by a financial statement of the applicant, showing the assets and liabilities of the applicant and truly reflecting that the applicant's net worth is not less than the sum of five thousand dollars ($5,000), in cash or its equivalent, of which, however, not less than two thousand dollars ($2,000) shall be deposited in a bank, available for the use of licensee's business. The financial statement shall be sworn to by the applicant, if the applicant is an individual, or by a partner, director, manager or trustee in its behalf, if the applicant is a partnership, corporation or unincorporated association. The information contained in the financial statement shall be confidential and not a public record.

SEC. 13. Section 6881 of said code is amended to read:

Examination of applicants

6881. All applicants shall be examined concerning their competency, experience, character and qualifications by the board; and the board or the chief may take testimony of anyone in regard thereto under oath, which each may administer.

SEC. 14. Section 6885 of said code is amended to read:

Approval

6885. No application for license shall be approved by the board and issued 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 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.

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.

SEC. 15. Section 6887 of said code is amended to read:

Qualifications of applicants

6887. The Secretary of State with the concurrence of the board, subject to the provisions of this chapter, may fix and determine by rule and regulation the qualifications of applicants.

The rules and regulations shall require, among other things, both of the following:

(a) That the educational qualifications of applicants shall be at least graduation from a four-year high school, or proof satisfactory to the board that applicants are possessed of the equivalent of a four-year high school education in point of intellectual competency and achievement.

(b) Proof satisfactory to the board that applicants have diligently and in good faith studied the subjects specified as subjects for examination.

SEC. 16. Section 6889 of said code is amended to read:

Examinations

6889. Examinations shall be practical in character and of such length, scope and character as the board deems necessary to determine the fitness of applicants to engage in the general collection agency business. Both questions and answers shall be in the English language.

SEC. 17. Section 6890 of said code is amended to read:

6890. The board shall prepare or cause to be prepared, all examination material.

The number and character of questions, examination procedure, method of grading, general average required to be obtained by successful applicants, and other details of the examinations not expressly covered by this chapter shall be determined by the board or by rules and regulations established by the Secretary of State with the concurrence of the board. The board shall certify to the Secretary of State all applicants who fulfill the requirements of this article and successfully pass the examination.

SEC. 18. Section 6891 of said code is amended to read:

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 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. 19. Section 6892 is added to said code to read:

Records

6892. Except as in this chapter otherwise provided, the Secretary of State shall keep the files and records of a licensee for a period of four years after the licensee's license has been terminated and may thereafter destroy such files and records.

SEC. 20. Section 6895 of said code is amended to read:

Bond

6895. The applicant for a license shall file with the Secretary of State concurrently with the application for license, and each licensee shall file, on or before July 1, 1956, with the Secretary of State, a bond in the penal sum of five thousand dollars ($5,000) which shall run to the people of the State of California.

The bond shall be executed and acknowledged by the applicant as principal, and by a corporation which is licensed by the Insurance Commissioner of this State to transact the business of fidelity and surety insurance, as surety.

SEC. 21. Section 6908 of said code is amended to read:

6908. The license, when issued, shall state:

License Contents

(a) The name of the licensee; if copartners, the names of all the partners; and if a corporation the name shall be followed by the words "a corporation."

(b) The name under which the licensee is to operate.

(c) The location by street and number, city, county and state where the licensee is to carry on business.

(d) The number and the date of the license.

The license shall further state that it is issued pursuant to this chapter and the rules and regulations established under it, and that the licensee is duly authorized under this chapter.

SEC. 22. Section 6909 of said code is amended to read:

Scope of license

6909. Upon receipt of the license, the licensee has the right to conduct the business of a general collection agency with all the powers and privileges applicable thereto contained in but subject always to all the provisions of this chapter and any rules and regulations established under it.

SEC. 23. Section 6915 of said code is amended to read:

Financial statements

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 statement 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.

The Secretary of State may destroy all financial statements which have been on file for a period of at least four years.

SEC. 24. Section 6917 of said code is amended to read:

Statement of claims collected

6917. Each licensee, if written demand therefor be made by any customer, shall, at intervals not less frequent than once each 30 days, send to the customer a statement showing all claims collected for the benefit of the customer that have not been previously remitted to the customer.

SEC. 25. Section 6925 of said code is amended to read:

Grievances

6925. The Secretary of State or any person aggrieved may file with the board 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 mis-

conduct or violations of law by formal accusation filed with the board.

Bankruptcy

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. 26. Section 6949 is added to said code, to read:

Surrender of license

6949. Any licensee may, prior to the suspension or revocation of his or its license, so long as no disciplinary action is then pending against said licensee, voluntarily surrender his or its license by mailing the license to the Secretary of State together with a written statement of such surrender, setting forth the reasons therefor, and a written declaration of the disposition of all accounts of the licensee prior to such voluntary surrender, together with a written statement of notification to the licensee's surety company of such voluntary surrender, and upon receipt of the request for the cancellation of the bond from the surety company, the license shall forthwith be canceled.

SEC. 27. 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 fifty dollars ($50) 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.

(h) A fee of one dollar ($1) for each copy over one of any issue or edition of the licensing law and rules and regulations furnished to any licensee by the Secretary of State.

(i) A fee of five dollars ($5) for each addressograph list of licensees in good standing.

CHAPTER 1965

An act to add Sections 1676.1, 1676.2 and 1678.1 to the Insurance Code, relating to insurance agents and solicitors.

In effect September 7, 1955

[Approved by Governor July 12, 1955 Filed with Secretary of State July 13, 1955]

The people of the State of California do enact as follows:

SECTION 1. Section 1676.1 is added to the Insurance Code, to read:

Certificate of convenience

1676.1. On and after April 1, 1956, a certificate of convenience to act as an insurance agent or solicitor shall not be

issued to a person unless at least one appointing insurer, or, in the case of a solicitor, the appointing agent or broker, certifies to the commissioner that such person is enrolled in and will pursue a course or courses of study and instruction previously approved by the commissioner and given by the appointing insurer, agent, or broker, or by a person other than an insurer, agent, or broker on behalf of such insurer, agent, or broker.

Approval of courses Conditions

Before approving such course or courses the commissioner shall be satisfied that they:

(a) Cover the fundamentals of insurance, and instruction in those classes of insurance in which the applicant is going to be engaged.

(b) Contain a system of progress checks whereby it can be determined whether the person is taking the course in good faith and obtaining information and training. Such progress checks shall be in writing, be taken by the person himself and kept on file in this State for a period of two years.

Withdrawal of approval

The approval of such course or courses shall be withdrawn by the commissioner if he finds after notice and hearing that either (1) the course or courses as administered do not meet the above requirements, or (2) they are not then adequate to meet such requirements.

SEC. 2. Section 1676.2 is added to said code, to read:

1676.2. Upon withdrawal of approval of such course given by or on behalf of an insurer, agent or broker the commissioner shall forthwith call all holders of certificates of convenience who are appointees of such insurer, agent or broker for examination and shall not accept any certificates from it as a basis for the further issuance of certificates of convenience until the course or courses have been revised to meet the requirements of Section 1676.1 and have been resubmitted to and reapproved by the commissioner.

Hearing

A certificate of convenience shall not be revoked and a holder of such a certificate shall not be called for examination pursuant to this section without a hearing on notice to the holder. The proceedings shall be conducted in accordance with Chapter 5 of Part 1, Division 3, Title 2 of the Government Code, and the commissioner shall have all the powers granted therein.

SEC. 3. Section 1678.1 is added to said code, to read:

Fees

1678.1. A certificate of convenience authorized by Section 1676 shall not be issued with respect to any application filed on and after April 1, 1956, unless the fees prescribed for such certificate together with the application fee and examination fee for the license sought accompany the application for such certificate.

No part of any fee, the payment of which is required as a condition to the issuance of a certificate of convenience shall be refunded after issuance of such certificate.

Operative date

SEC. 4. This act shall become operative on April 1, 1956.

CHAPTER 1966

An act to amend Section 530 of the Public Utilities Code, relating to transportation of governmental property by common carriers.

In effect September 7, 1955

[Approved by Governor July 12, 1955. Filed with Secretary of State July 13, 1955.]

The people of the State of California do enact as follows:

SECTION 1. Section 530 of the Public Utilities Code is amended to read:

530. Every common carrier subject to the provisions of this part may transport, free or at reduced rates:

(a) Persons for the United States, state, county, or municipal governments, or persons or property for charitable or patriotic purposes, or to provide relief in cases of general epidemic, pestilence, or calamity.

(b) Property to or from fairs or expositions for exhibit thereat.

(c) Contractors and their employees, material or supplies for use or engaged in carrying out their contracts with such carriers, for construction, operation, or maintenance work or work incidental thereto on the line of the issuing carrier, to the extent only that such free or reduced rate transportation is provided for in the specifications upon which the contract is based and in the contract itself.

Common carriers may also enter into contracts with telegraph and telephone corporations for an exchange of service.

The commission may permit common carriers to transport property at reduced rates for the United States, state, county, or municipal governments, to such extent and subject to such conditions as it may consider just and reasonable. Nothing herein shall prevent any common carrier subject to the provisions of this part from transporting property for the United States, state, county, or municipal governments, at reduced rates no lower than rates which lawfully may be assessed and charged by any other such common carrier or by highway permit carriers as defined in the Highway Carriers' Act.

CONCURRENT AND JOINT RESOLUTIONS

AND

CONSTITUTIONAL AMENDMENTS

REGULAR SESSION

1955

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

Adopted at the 1955 Regular Session of the Legislature

CHAPTER 1

Assembly Concurrent Resolution No. 1—Approving the charter of the City of Newport Beach, County of Orange, State of California, ratified by the qualified electors of said city at a municipal election held therein on the eighth day of June, 1954.

[Filed with Secretary of State, January 7, 1955.]

City of Newport Beach. Approval of charter

WHEREAS, The City of Newport Beach, in the County of Orange, 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 Newport Beach for the preparation, proposal, adoption, and ratification of a charter for the government of said City of Newport Beach, all as set forth in the following certificate of the former mayor and the mayor and city clerk of said City of Newport Beach, to wit:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF NEWPORT BEACH IN FRAMING A CHARTER FOR ITS OWN GOVERNMENT

STATE OF CALIFORNIA
COUNTY OF ORANGE
CITY OF NEWPORT BEACH

Certificate

We, the undersigned, Norman Miller, former Mayor, and Dora O. Hill, Mayor of the City of Newport Beach, County of Orange, State of California, and C. K. Priest, 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 Norman Miller was at all times herein mentioned prior to and including the 20th day of April, 1954, the Mayor of said City; that the undersigned, Dora O. Hill, was at all times herein mentioned from and after said date of April 20, 1954, and now is the Mayor of said City and that the undersigned C. K. Priest was at all times herein mentioned the Clerk of the Legislative Body and City Clerk of the said

City of Newport Beach; that on December 22nd, 1953, at a special election duly held in said City pursuant to a petition signed by not less than 15 percent of the registered electors thereof, a board of 15 freeholders was chosen by said electors to frame a charter for its own government consistent with and subject to the Constitution of the State of California; that within one year after the result of the said election was declared, said board of freeholders did prepare and propose a charter for the government of said city which was signed by a majority of said board and filed in the office of the Clerk of the Legislative Body of said City; that within 15 days after such filing and on March 29, 1954, at a regular meeting of said City Council, said City Council by unanimous vote of those members present, 4 being present and 1 being absent, adopted a Resolution calling a special election to be held in the City of Newport Beach on the 8th day of June, 1954, being the date fixed by the board of freeholders before such filing and designated on such Charter for the purpose of submitting to the electors of said City, the proposition of the adoption of said City charter; requesting and authorizing the Board of Supervisors of the County of Orange to consolidate said special election with the primary statewide elections to be held on June 8, 1954, authorizing said Board of Supervisors to form the precincts, fix the polling places, appoint the precinct boards and canvass the returns of said special election and ordering the City Clerk to cause said proposed charter to be published and placed on the ballot and to do all other things necessary for said special election.

That said charter was regularly published within three days after it was filed with the City Clerk once in the official newspaper in said City and each edition thereof during the day of publication; that on March 30, 1954, at a regular meeting, the Board of Supervisors unanimously adopted a Resolution ordering a consolidation of said special election with the statewide primary election to be held June 8, 1954; that on the following dates, to wit: April 1, 1954, April 8, 1954, April 15, 1954, April 22, 1954, April 29, 1954, May 6, 1954, May 13, 1954, May 20, 1954, May 27, 1954, and June 3, 1954, notice of said election was published in the Newport-Balboa Press, the official newspaper of said City, and on May 27, 1954 the County Clerk of the County of Orange, State of California, published a notice of said election in the Daily News Tribune, City of Fullerton, County of Orange, State of California, being a newspaper with general circulation in said County; each publication above mentioned containing a notice of the proposition to be voted on, the time of the election, a brief statement of the contents of the charter, the voting precincts, the hours during which the polls would be open, and all other matters required therein.

That notice that copies of the proposed Charter for the City of Newport Beach as prepared by the said duly elected board of freeholders of said City could be had upon applica-

tion therefor at the office of the City Clerk of said City, and the date of said election was duly and regularly published in said Newport-Balboa Press on the following dates: April 1, 1954, April 8, 1954, April 15, 1954, April 22, 1954, April 29, 1954, May 6, 1954, May 13, 1954, May 20, 1954, May 27, 1954, and June 3, 1954, which said notice contained a statement that copies of said charter could be had upon application therefor and the date of said election.

That the population of the City of Newport Beach as ascertained by the last preceding census taken under the authority of Congress of the United States prior to June 8, 1954, showed that the City of Newport Beach had a population of less than 18,000; that on June 28, 1954, by Resolution regularly adopted by the unanimous vote of the Board of Supervisors of Orange County, said Board regularly declared the results of said special election to be that a majority of the people voting thereon voted yes on the proposition "Shall the Proposed Charter of the City of Newport Beach be Adopted", 3,703 voting yes and 864 voting no; that a majority of all votes cast on said proposition were in favor of the City of Newport Beach adopting said proposed charter.

That said election was in all respects called, consolidated with said primary election, and held in accordance with the election laws of the State related to Cities of the Sixth Class; that said proposed charter was framed by said board of freeholders and was adopted, filed, published, presented to the voters of the City of Newport Beach and adopted by said voters in strict accordance with and in compliance with, all of the requirements of the Constitution and the statutes of the State of California.

That said charter so prepared, proposed, submitted, ratified, and adopted as herein set forth is in words and figures as follows:

CHARTER OF THE CITY OF NEWPORT BEACH

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We, the People of the City of Newport Beach, 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 and boundaries

Section 100. Name and Boundaries. The City of Newport Beach, hereinafter termed the City, shall continue to be a municipal corporation under its present name of "City of Newport Beach." The boundaries of the City shall be the boundaries as established at the time this Charter takes effect, and as such boundaries may be changed thereafter in the manner authorized by law.

Transition from non-charter to charter city

Section 101. Succession, Rights and Liabilities. The City of Newport Beach 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.

Section 102. Ordinances. All lawful ordinances, resolutions, rules and regulations, and 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 without interruption to perform the duties of their respective offices and employments upon the same conditions and for the compensation provided by the existing ordinances, resolutions, rules or laws, until the election, or appointment, and qualification of their successors under this Charter and subject to such removal and control as is provided in this Charter. The terms of office of elective officers whose offices are made appointive under this Charter shall expire upon the appointment of their successors, respectively.

Section 104. Continuance of Contracts and Public Improvements All contracts entered into by the City, or for its benefit, prior to the taking of effect 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.

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 party thereto, by or under this Charter, may be assigned or transferred to another officer, 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.

Section 106. Effective Date of This Charter. This Charter shall take effect upon its approval by the Legislature. Operative date

Article II
Powers of City

Section 200. Powers. The City shall have the power to make and enforce all laws, rules 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, privi- Powers

leges, 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.

Article III
Form of Government

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.

Article IV
City Council

City council Membership

Section 400. Elective Officers. The elective officers of the City shall consist of a City Council of seven members. Candidates for City Council shall be nominated from and by the electors of each of the seven districts referred to in Article X of this Charter and one shall be elected from each of such districts by the voters of the City at large at the times and in the manner provided in this Charter. They shall serve for a term of four years and until their respective successors are elected and qualified.

The five members of the City Council in office at the time this Charter takes effect shall continue in office until the first Tuesday following the first general municipal election under this Charter.

At the first general municipal election under this Charter, the four candidates elected to the City Council with the highest number of votes shall serve until the third Tuesday in April, 1958, and the members of the City Council from the districts from which said four candidates were nominated shall be elected at the general municipal election each fourth year thereafter. The remaining three candidates elected to the City Council shall serve until the third Tuesday in April, 1956, and the members of the City Council from the districts from which said three candidates were nominated shall be elected at the general municipal election each fourth year thereafter.

The term of each member of the City Council shall commence on the first Tuesday following his election. Ties in voting among candidates for office shall be settled by the casting of lots.

Eligibility

Section 401. Eligibility. No person shall be eligible to hold office as a member of the City Council unless he is, and shall have been for at least one year immediately preceding his nomination or appointment, a qualified elector of the district from which he is nominated or appointed, and for at least

three years immediately preceding his election or appointment, a qualified elector of the City.

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 Fifty 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. Absence of a Councilman from all regular and special meetings of the Council during any calendar month shall render such Councilman ineligible to receive such sum for such calendar month.

Vacancies

Section 403. Vacancies. A vacancy in the City Council from whatever cause arising, shall be filled by appointment by the City Council of a qualified person from the district in which the vacancy has occurred, 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 Councilman shall be elected from the district in which the vacancy exists to serve for the remainder of the unexpired term.

If a member of the City Council 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, 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 his district, his office shall become vacant and shall be so declared by the City Council.

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have been so declared vacant, it shall forthwith cause an election to be held to fill such vacancy from the proper district.

Mayor

Section 404. The Mayor. Mayor Pro Tempore. On the first Tuesday following any general or special municipal election at which any Councilman is 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 have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and, as occasion requires, he may inform the people of any major change in policy or program. 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.

In addition to the payment for expenses as a Councilman under Section 402, the City Council may provide by resolution

for the payment to the Mayor of an allowance of not exceeding Fifty Dollars per month to reimburse him for the additional demands made upon him and expenses incurred by him in serving as Mayor.

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 city 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.

Interference in administrative service

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 four members of the City Council, by written notice delivered personally to each member at least twenty-four 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 four 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 Council from any regular meeting or adjourned 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, and 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.

Citizen participation

Section 411. Citizen Participation. No citizen shall be denied the right, personally or through counsel, to present grievances at any regular meeting of the City Council, or offer suggestions for the betterment of municipal affairs.

Adoption of ordinances, etc.

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 four 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.

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 five affirmative votes.

Enactment

Section 413. Ordinances. Enactment. In addition to such other acts of the City Council as are required by this Charter to be by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

The enacting clause of all ordinances shall be substantially as follows: "The City Council of the City of Newport Beach does ordain as follows:".

Publication

Section 414. 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.

Codification

Section 415. 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.

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. Maps, charts and diagrams also may be adopted by reference in the same manner.

Effective date

Section 416. Ordinances. 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:

(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.

Violations, etc.

Section 417. 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 One Thousand 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.

Amendments

Section 418. Ordinances. Amendment. The amendment of any section or sections of an ordinance may be accomplished solely by the re-enactment of such section or sections at length, as amended.

Publication of legal notices

Section 419. 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 in-

validate any publication where the same is otherwise in conformity with this Charter or law or ordinance.

Restrictions on contracts

Section 420. Contracts. Restrictions. The City Council shall not have the power to make or authorize any contract or lease or extension thereof for a longer period than twenty-five years unless said contract, lease or extension be approved by a majority of the qualified electors of the City voting on such question at any election. A contract, lease or extension for a longer period shall be valid without such approval if it provides for the acquisition by the City at the end of such period of the real or personal property so leased or contracted for. This Section shall not apply to any franchise granted pursuant to the provisions of this Charter or to any contract for the furnishing, or acquisition of the products, commodity or services of any public utility.

Execution of contracts

Section 421. Contracts. Execution. The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing, approved by the City Council and signed on behalf of the City by the Mayor and City Clerk or by such other officer or officers as shall be designated by the City Council. Any of said officers shall sign a contract on behalf of the City when directed to do so by the City Council.

By ordinance or resolution the City Council may authorize the City Manager to bind the City, with or without a written contract, for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the City Council, and may impose a monetary limit upon such authority.

The City Council may by ordinance or resolution provide a method for the sale or exchange of personal property not needed in the City Service or not fit for the purpose for which intended, and for the conveyance of title thereto

Contracts for the sale of the products, commodities or services of any public utility owned, controlled or operated by the City may be made by the manager of such utility or by the head of the department or City Manager upon forms approved by the City Manager and at rates fixed by the City Council.

The provisions of this Section shall not apply to the services rendered by any person in the employ of the City at a regular salary.

Article V
City Manager

City manager

Section 500. City Manager. There shall be a City Manager appointed by the City Council 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 ex-

perience in, and 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.

Residence

Section 501. Residence. The City Manager need not be a resident of the City at the time of his appointment, but 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.

Eligibility

Section 502. Eligibility. 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.

Compensation and bond

Section 503. Compensation and Bond. 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. The City Manager shall furnish a corporate surety bond conditioned upon the faithful performance of his duties in such form and in such amount as may be determined by the City Council.

Powers and duties

Section 504. 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, and he may suspend or remove, subject to the provisions of this Charter, 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, and approve or disapprove all proposed appointments and removals of subordinate employees by officers or department heads.

(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 complete report on the finances and administrative activities of the City for the preceding fiscal 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) Establish a centralized purchasing system for all City offices, departments and agencies.

(f) 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.

(g) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City are enforced.

(h) Exercise control of all administrative offices and departments of the City and of all appointive officers and employees except those directly appointed by the City Council and prescribe such general rules and regulations as he may deem necessary or proper for the general conduct of the administrative offices and departments of the City under his jurisdiction.

(i) Perform such other duties consistent with this Charter as may be required of him by the City Council.

Section 505. 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.

Removal

Section 506. Removal. The City Manager shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City Manager may be removed only at a regular meeting of the City Council and upon the affirmative votes of a majority of the members of the City Council.

Manager pro tempore

Section 507. 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. If he fails to make such appointment, the City Council may appoint an officer or department head to serve as such Manager Pro Tempore.

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, a City Clerk and a City Treasurer, who shall be appointed by and serve at the pleasure of the City Council and may be removed only upon the affirmative votes of a majority of the members of the City Council.

Administrative 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, and 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 agen-

cies not inconsistent with this Charter. Where the positions are not incompatible, the City Council may combine in one person the powers and duties of two or more offices created or authorized by 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

Section 602. City Attorney. Powers and Duties. To become and remain 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 three years prior to his appointment. The City Attorney shall have power and may be required to:

(a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices.

(b) Prosecute on behalf of the people any or all criminal cases arising from violation of the provisions of this Charter or of City ordinances.

(c) 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 or 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.

(d) 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.

(e) Approve the form of all contracts made by and all bonds given to the City, endorsing his approval thereon in writing.

(f) Prepare any and all proposed ordinances and resolutions for the City and amendments thereto.

(g) Devote such time to the duties of his office as may be specified in the ordinance or resolution fixing the compensation for such office.

(h) 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 clerk

Section 603. City Clerk. Powers and Duties. The City Clerk shall have power and be required to:

(a) Attend all meetings of the City Council unless excused and be responsible for the recording and maintaining of a full and true record 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) 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.

(g) Have charge of all City elections.

(h) Perform such other duties consistent with this Charter as may be required of him by ordinance or resolution of the City Council.

City treasurer

Section 604. City Treasurer. The City Treasurer shall have power and shall be required to:

(a) Receive 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 this Charter.

(d) Prepare and submit to the Director of Finance monthly written reports of all receipts, disbursements and fund balances, copies of which reports shall be filed with the City Manager.

(e) Perform such other duties consistent with this Charter as may be required of him by ordinance or resolution of the City Council.

Director of finance

Section 605. Director of Finance. There shall be a Director of Finance appointed by the City Manager and subject to suspension or removal by the City Manager 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, and be head of the Finance Department of the City.

(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) See that all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and all other money receivable by the City from the County, State or Federal Government, or from any court, office, department or agency of the City are collected.

(f) 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.

(g) Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies.

(h) Perform such other duties consistent with this Charter as may be required of him by ordinance or resolution of the City Council.

Oaths

Section 606. 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.

Appointment power of department heads

Section 607. Department Heads. Appointment Powers. Each department head and appointive officer shall have the power to appoint, suspend and remove such deputies, assistants, subordinates and employees as are provided for by the City Council for his department or office, subject to the provisions of this Charter and of any personnel, merit or civil service system adopted hereunder. Any such appointment or removal by a department head appointed by the City Manager shall be subject to approval by the City Manager.

Illegal contracts

Section 608. 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, etc., of other elective office

Section 609. Acceptance of Other Office. Any elective officer of the City who shall accept or retain any other elective public office, except as provided in this Charter, shall be deemed thereby to have vacated his office under the City Government.

Nepotism

Section 610. 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.

This section, however, shall not apply to the probationary or permanent appointment of any person to a position included in the Civil Service System.

Official bonds

Section 611. 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 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. 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

Appointive boards, etc.

Section 700. In General. There shall be the following named boards and commissions which shall have the powers and duties herein stated. In addition, the City Council may create by ordinance such additional 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.

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 members of each of such boards or commissions shall 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. They shall be subject to removal by motion of the City 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 the term of one of each of their number shall expire each succeeding July first. Where the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year. Thereafter, any appointment to fill an unexpired term shall be for such unexpired period.

Existing boards

Section 703. Existing Boards. The respective terms of office of all members of the boards and commissions in existence at the time this Charter takes effect shall terminate upon the effective date of this Charter. The present members of the boards and commissions which will continue in effect under this Charter shall be deemed reappointed to the respective boards and commissions of which they are members as first appointed members thereof under this Charter.

Meetings, chairmen

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 at least once each month and such special meetings as such board or commission may require. All proceedings shall be open to the public.

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. Members. There shall be a Planning Commission consisting of seven members. The City Engineer and City Attorney, or their assistants, shall meet with and participate in the discussions of the Planning Commission but shall not have a vote.

Section 707. Planning Commission. Powers and Duties. The Planning Commission shall have the power and be required to:

(a) After a public hearing thereon, recommend to the City Council the adoption. amendment or repeal of a Master Plan, or any part thereof, for the physical development of the City.

(b) Exercise such control over land subdivisions as is granted to it by ordinance not inconsistent with the provisions of this Charter.

(c) Make recommendations to the City Council concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the City.

(d) Exercise such functions with respect to zoning and land use as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

Board of library trustees

Section 708. Board of Library Trustees. Powers and Duties. There shall be a Board of Library Trustees consisting of five members which shall have the power and duty to:

(a) Have charge of the administration of City libraries and make and enforce such by-laws, rules and regulations as may be necessary therefor.

(b) Designate its own secretary.

(c) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and City Manager.

(d) Purchase and acquire books, journals, maps, publications and other supplies peculiar to the needs of the library, subject, however, to the limitations of the budget for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in this Charter provided.

(e) Approve or disapprove the appointment, suspension or removal of the Librarian, who shall be the department head.

(f) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the City Council.

(g) Contract with schools, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council.

Parks, beaches and recreation commission

Section 709. Parks, Beaches and Recreation Commission. Powers and Duties. There shall be a Parks, Beaches and Recreation Commission consisting of seven members.

The Parks, Beaches and Recreation Commission shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks, beaches, recreation, parkways and street trees.

(b) Consider the annual budget for parks, beaches, recreation, parkways and street tree purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(c) Approve or disapprove the appointment, suspension or removal of the Recreation Director who shall be the department head.

(d) Assist in the planning of parks and recreation 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.

(e) Establish policies for the acquisition, development and improvement of parks, beaches and playgrounds and for the planting, care and removal of trees and shrubs in all parks, playgrounds and streets, subject to the rights and powers of the City Council.

(f) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

Civil service board

Section 710. Civil Service Board. The Civil Service 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 occupy or be eligible for appointment to any salaried office or employment in the service of the City.

The members of the Civil Service Board shall be nominated and appointed in the following manner. Two members shall be appointed by the City Council from a list of five persons to be nominated by vote of the employees in the Classified Service, two members shall be appointed by the City Council directly, and the fifth shall be appointed by the City Council from a list of three persons nominated by a majority of 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.

Section 711. Civil Service Board. Powers and Duties. The Civil Service 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 City employment relative to any suspension, demotion or dismissal and make findings and recommendations thereon.

(d) Make any investigation concerning the administration of personnel in the municipal service and report its findings to the City Council and City Manager when requested to do so by the City Council, the City Manager or by any organized City employees' association.

(e) Perform such other duties as may be prescribed by ordinance.

Article VIII
Civil Service System

Continuance of present system

Section 800. Continuance of Present System. The civil service system existing at the time this Charter takes effect, to the extent that the same is not inconsistent with any of the provisions of this Charter, is hereby continued in existence subject to all of the terms and provisions of this Charter and subject to amendment by proper authority as in this Charter provided.

Maintenance of system

Section 801. System to Be Maintained. The City Council shall by ordinance continuously maintain a civil service system for the selection, employment, classification, advancement, suspension and discharge of those appointive officers and employees who shall be included in the system. The system shall comply with all other provisions of this Charter.

Positions in system

Section 802. Positions included in the System. The civil service system shall include all full time, regular and permanent positions or employment on the Police and Fire

Departments of the City and may, by ordinance, include any other appointive officers or positions in the service of the City except the following: Exceptions

1. All elective officers.
2. City Manager, Assistant City Manager, if any, one private secretary to the City Manager, City Attorney, Assistant City Attorney, if any, City Clerk, City Treasurer, Director of Finance, City Engineer, all Department Heads, 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 may exist for a period of not longer than six months in any one calendar year.
5. Persons employed to render professional, scientific, technical or expert service:
6. Persons who render part-time service without pay or who are paid on an hourly or per diem basis.

Section 803. Withdrawal From System. After inclusion in the system, any departments or appointive officers or employees shall not be withdrawn therefrom, either by an outright repeal of the civil service ordinance or otherwise, unless such withdrawal has been submitted to the city electors at a special or regular municipal election and approved by a majority of two-thirds of those electors voting on the proposition.

Article IX
Retirement

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, and to 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 the State Employees' Retirement System. The City Council may terminate any 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. Retirement

Article X
Elections

Section 1000. General Municipal Elections. The first general municipal election under this Charter, for the purpose of electing the seven members of the City Council, shall be held on the tenth Tuesday following the approval of this Charter by the Legislature unless said day is a holiday in which event said election shall be held on the next following day. There- General municipal elections

after 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 second Tuesday in April, 1956

Special municipal 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.

Election 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 municipal elections so far as the same are not in conflict with this Charter.

Initiative, referendum and 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.

Nomination petitions

Section 1004. Electors Signing Nomination Petitions. The electors signing any petition for the nomination of any person to the office of Councilman shall be residents of the district from which such person is to be nominated. Only the names of electors who are residents of such district shall be counted in determining the sufficiency of any such petition.

Districts

Section 1005. Districts. The City is hereby divided into seven districts, the names and respective boundaries of which shall be as hereinafter in this Article provided.

In 1959 and each fourth year thereafter the City Council shall appoint a committee to study and report to the City Council on the advisability of redistricting the City. Upon receipt of any such committee report, and at any other time deemed necessary or desirable in order that the district boundaries be fair and logical, the City Council may by ordinance change and redefine the boundaries of any or all of the seven districts herein established. The boundaries so defined shall be established in such manner that the districts shall, as nearly as practicable, constitute natural areas of contiguous and compact territory and provide fair representation on the City Council. Any territory hereafter annexed to or consolidated with the City shall, at the time of such annexation or consolidation, be added by ordinance of the City Council to an adjacent district or districts.

Section 1006
First District

The First District shall include all that portion of the City included within the following described boundary line, to-wit: First district

Beginning at an angle point in the boundary line of the City of Newport Beach, said angle point being the intersection of the northeasterly prolongation of the southeasterly line of Summit Street, as said street is laid out and shown upon a map of Seashore Colony Tract, recorded in Miscellaneous Maps Book 7, page 25, Records of Orange County, California, with the northeasterly right of way line of the State Highway ORA-60-A, being 90′ feet in width; thence generally northerly and easterly along the boundary line of the City of Newport Beach through its various courses to an intersection with the southeasterly line of Superior Avenue, thence southwesterly along the southeasterly line of Superior Avenue to an intersection with the boundary line of the City of Newport Beach; thence generally southerly and westerly along said boundary line of the City of Newport Beach through its various courses to an angle point in said City Boundary line, said angle point being the intersection of the said northeasterly prolongation of the southeasterly line of Summit Street and a line lying distant 1 foot northeasterly of, parallel to, the said northeasterly right of way line of the State Highway ORA-60-A; thence generally easterly along the City Boundary line through its various courses to an intersection with the northerly right of way line of said State Highway ORA-60-A, one hundred feet (100′) in width; thence southeasterly along said City Boundary line and along the said northerly right of way line to its intersection with the center line of the State Highway ORA-43-A; thence southerly along said center line of said State Highway ORA-43-A to an intersection with the "Line of Mean High Tide," designated "North Line" by Superior Court Case No. 23686; thence easterly in a straight line to a point, said point being the intersection of a line lying northerly of, parallel to, and distant 350 feet from the U. S. Bulkhead line between U. S Bulkhead Stations Nos. 175 and 170, and a line lying northeasterly of, parallel to, and distant 300 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 124 and 125; thence southeasterly along said last mentioned parallel line to an intersection with the northerly prolongation of the center line of 15th Street; thence southerly along said northerly prolongation and along said center line of 15th Street and its southerly prolongation to an intersection with the line of Ordinary High Tide of the Pacific Ocean; thence northwesterly along said line of Ordinary High Tide to an intersection with the southwesterly prolongation of the said southeasterly line of Summit Street, said line being in the westerly Boundary line of the City of Newport Beach; thence northeasterly along said Boundary line to the point of beginning.

Section 1007
Second District

Second district

The Second District shall include all that portion of the City included within the following described boundary line, to-wit:

Beginning at the intersection of the ordinary high tide line of the Pacific Ocean and the southerly prolongation of the center line of 15th Street; thence northerly along said southerly prolongation and along said center line of 15th Street and its northerly prolongation to an intersection with a line lying northeasterly of, parallel to and distant 300 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 124 and 125; thence northwesterly along said parallel line to an intersection with a line lying southerly of parallel to, and distant 500 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 172 and 173; thence southeasterly along said parallel line to an intersection with the northeasterly prolongation of the center line of 9th Street; thence northeasterly to a point said point being the intersection of a line lying northerly of and parallel to and distant 150 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 151 and 152, and a line lying southwesterly of parallel to, and distant 350 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 256 and 258; thence southeasterly along last mentioned parallel line to an intersection with a line lying southerly of, parallel to, and distant 500 feet from the U. S. Bulkhead line between the U. S. Bulkhead Stations Nos. 256 and 255; thence easterly along said parallel line to an intersection with a line lying easterly of, parallel to, and distant 200 feet from the U. S. Bulkhead Stations Nos. 154 and 255; thence southeasterly in a straight line to a point, said point being the intersection of the southwesterly prolongation of the northwesterly line of Avocado Avenue and a line lying easterly of, parallel to and distant 350 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 108 and 107; thence southeasterly along last mentioned parallel line to an intersection with the southwesterly prolongation of the northwesterly line of Iris Avenue; thence northwesterly in a straight line to an intersection of the ordinary high tide line of the Pacific Ocean at the west jetty of the Harbor entrance; thence westerly along said ordinary high tide line to the point of beginning

Section 1008
Third District

Third district

The Third District shall include all that portion of the City included within the following described boundary line, to-wit:

Beginning at the intersection of the center line of State Highway ORA-43-A and the center line of State Highway ORA-60-A; thence in an easterly direction along said center line of State Highway ORA-60-A and the center line of State

Highway ORA-60-B to an intersection with the City boundary line of the City of Newport Beach; thence generally southerly and easterly along the boundary of the City through its various courses to the most southerly corner of Tract No. 1701 as laid out and shown upon a map recorded in Miscellaneous Maps Book 52, pages 9 and 10, Records of Orange County, California; thence south 56° 42′ west along said City boundary line to an angle point in said City boundary line; thence in a straight line to a point, said point being the intersection of a line lying northeasterly of, parallel to and distant 200 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 154 and 255 and a line lying northeasterly of, parallel to and distant 200 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 153 and 154; thence northwesterly along said parallel line to an intersection with a line lying northeasterly of, parallel to and distant 200 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 152 and 153; thence northwesterly along said parallel line to an intersection with a line lying northerly of, parallel to and distant 150 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 151 and 152; thence westerly along said parallel line to an intersection with a line lying southwesterly of, parallel to and distant 350 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 256 and 258; thence in a straight line to an intersection with the northerly prolongation of the center line of 9th Street and a line lying southwesterly of, parallel to and distant 500 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 172 and 173; thence northwesterly along said parallel line to an intersection with a line lying northeasterly of, parallel to and distant 300 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 124 and 125; thence northwesterly along said parallel line to an intersection with a line lying northeasterly of parallel to and distant 350 feet from the U. S. Bulkhead Stations Nos. 170 and 175; thence westerly in a straight line to a point, said point being the intersection of the center line of State Highway ORA-43-A and the line of mean high tide designated "North Line" by Superior Court Case No. 23686; thence northerly along the center line of said State Highway ORA-43-A to the point of beginning.

Section 1009
Fourth District

The Fourth District shall include all that portion of the City included within the following described boundary line, to-wit: Fourth district

Beginning at the intersection of the center line of State Highway ORA-43-A and the center line of State Highway ORA-60-A; thence northerly along said center line of State Highway ORA-43-A to an intersection with the northerly line of State Highway ORA-60-A; thence westerly along said

northerly line to an angle point in the City boundary line of the City of Newport Beach; thence generally northerly along said City boundary line through its various courses to an intersection with the southeasterly line of Superior Avenue; thence northerly along said southeasterly line of Superior Avenue to the center line of 15th Street, said point also being an angle point in the Boundary line of the City of Newport Beach; thence generally southeasterly along the boundary line of the City of Newport Beach through its various courses to its intersection with the center line of State Highway ORA-60-B said intersection lying in a line northwesterly of, parallel to, and distant 200 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 132 and 133; thence generally northwesterly along the center line of said State Highway ORA-60-B and along the center line of State Highway ORA-60-A to the point of beginning.

Section 1010
Fifth District

Fifth district

The Fifth District shall include all that portion of the City included within the following described boundary line, to-wit:

Beginning at the intersection of a line lying northeasterly of, parallel to and distant 200 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 154 and 255 and a line lying southerly of parallel to and distant 500 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 255 and 256; thence westerly along the last mentioned parallel line to an intersection with a line lying southwesterly of, parallel to and distant 350 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 256 and 258; thence northwesterly along said parallel line to an intersection with a line lying northerly of, parallel to and distant 150 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 151 and 152; thence easterly along said parallel line to an intersection with a line lying northeasterly of, parallel to and distant 200 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 152 and 153; thence southeasterly along said parallel line to an intersection with a line lying northeasterly of, parallel to and distant 200 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 153 and 154; thence southeasterly along said parallel line to an intersection with a line lying northeasterly of, parallel to and distant 200 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 154 and 255; thence southeasterly along said parallel line to the point of beginning.

Section 1011
Sixth District

Sixth district

The Sixth District shall include all that portion of the City included within the following described boundary line, to-wit:

Beginning at the intersection of the northeasterly prolongation of the northwesterly line of Avocado Avenue and the center line of State Highway ORA-60-B; 100 feet in width, said point of intersection also being in the boundary line of the City of Newport Beach; thence generally northerly, easterly and southerly along said boundary line of the City of Newport Beach, through its various courses to an intersection with the southeasterly line of Block D, as shown upon a map of Tract No. 673, recorded in Miscellaneous Map Book 20, pages 17 and 18, Records of Orange County, California; thence, southwesterly along said southeasterly line of Block "D" and along said City Boundary line to an intersection with the ordinary high tide line of the Pacific Ocean; thence generally westerly along said ordinary high tide line of the Pacific Ocean to an intersection with the southwesterly prolongation of the southeasterly line of Poppy Avenue; thence northerly along said southwesterly prolongation and along said southeasterly line of Poppy Avenue to an intersection with the center line of Ocean Boulevard, as said Ocean Boulevard is laid out and shown upon the Re-sub of Corona del Mar recorded in Miscellaneous Maps Book No. 4, page 67, Records of Orange County, California; thence northwesterly along said center line of Ocean Boulevard to an intersection with the center line of Marguerite Avenue; thence northeasterly along said center line of Marguerite Avenue to an intersection with the center line of the State Highway ORA-60-B; thence northwesterly along said center line of State Highway ORA-60-B to the point of beginning.

Section 1012
Seventh District

Seventh district

The Seventh District shall include all that portion of the City included within the following described boundary line, to-wit:

Beginning at the intersection of the northeasterly prolongation of the northwesterly line of Avocado Avenue and the center line of the State Highway ORA-60-B; thence southeasterly along said center line of State Highway ORA-60-B to an intersection with the center line of Marguerite Avenue; thence southwesterly along the said center line of Marguerite Avenue to an intersection with the center line of Ocean Boulevard; thence southeasterly along the said center line of Ocean Boulevard to an intersection with the southeasterly line of Poppy Avenue; thence southwesterly along said southeasterly line of Poppy Avenue to an intersection with the line of the ordinary high tide of the Pacific Ocean; thence westerly along the said line of ordinary high tide to the intersection with the center line at the east jetty of the Harbor entrance; thence southwesterly in a straight line to a point, said point being the intersection of the southwesterly prolongation of the northwesterly line of Iris Avenue and a line lying northeasterly of,

parallel to and distant 350 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 108 and 107; thence northwesterly along last mentioned parallel line to an intersection with the southwesterly prolongation of the northwesterly line of Avocado Avenue; thence northwesterly in a straight line to a point, said point being the intersection of a line lying southerly of, parallel to, and distant 500 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 256 and 255 and a line lying northeasterly of, parallel to and distant 200 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 154 and 255; thence northwesterly along the last mentioned parallel line to an intersection with a line lying northeasterly of, parallel to and distant 200 feet from the U. S. Bulkhead line between U. S. Bulkhead Stations Nos. 153 and 154; thence northeasterly in a straight line to an angle point in the boundary line of the City of Newport Beach, said angle point bearing south 56° 42′ west from the most southerly corner of Tract No. 1701, as said Tract is laid out and shown upon a map recorded in Miscellaneous Maps, Book 52, pages 9 and 10, Records of Orange County, California; thence, southeasterly and northeasterly along said City boundary line through its various courses to the point of beginning.

Territory not specifically described

Section 1013. Territory Not Specifically Described. Any territory constituting a part of the City and not specifically included in any district shall be deemed included in the district with which it has the longest common boundary line. If there is no common boundary line with any district, then such territory shall be deemed included in the nearest district to it.

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.

Annual budget

Section 1101. Annual Budget. Preparation by the City Manager. At such date as the City Manager shall determine, each board or commission and each department head shall furnish to the City Manager estimates of revenue and expenditures for his department or for such board or commission for the ensuing fiscal year, 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, boards or commissions and may revise the estimates as he may deem advisable.

Submission to city 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.

Public 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.

Adoption

Section 1104. Budget, Adoption. After the conclusion of the public hearing the City Council shall make any revisions of the proposed budget that it may deem advisable and on or before June 30, 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 public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and 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.

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 four members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose or to appropriate available funds not included in the budget or to cancel any appropriation not expended or encumbered.

Centralized purchasing

Section 1106. Centralized Purchasing. Under the control and direction of the City Manager there shall be established a centralized purchasing system for all City departments and agencies, except as otherwise in this Charter provided.

Tax limits

Section 1107. 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 three-fifths 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 same time and in the same manner as other property taxes for municipal pur-

poses 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 and 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 for the following purposes in amounts not to exceed the limits hereinafter respectively enumerated in this Section, on each One Hundred Dollars of the assessed value of taxable property in the City:

1. For libraries in an amount not to exceed ten cents.
2. For advertising and promotion in an amount not to exceed ten cents;
3. For parks, beaches, civic beautification, recreation and playgrounds in an amount not to exceed fifteen cents.

The proceeds of special levies may be used solely for the respective purposes for which such levies have been made.

Tax procedure

Section 1108. 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 1109. 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 on public works

Section 1110. Contracts on Public Works. Every project for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds, and every purchase of supplies or materials for any such project, when the total expenditures required for the same exceed the sum of Three Thousand Dollars, 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 twenty days before the time for opening bids. Projects for the 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, without advertising for bids, or 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 supplies or materials may be purchased more economically on the open market, 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 or said supplies or materials purchased 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 or supplies or materials 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.

Purchasing supplies

Section 1111. Purchasing Supplies. The City Council may prescribe by ordinance rules and regulations for the purchasing of supplies, materials and equipment. When making purchases for the City, merchants maintaining an established place of business within the City shall be given the preference, quality and prices being equal.

Cash basis fund

Section 1112. Cash Basis Fund. The City Council may 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 balance may 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

money so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

Capital outlays fund

Section 1113. Capital Outlays Fund. 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 three-fifths 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 1114. Presentation of Demands. 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, or within such shorter time as is otherwise provided by law, 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 sustained. All such claims shall be approved or rejected in writing by order of the City Council and the date thereof given.

All other demands 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 Director of Finance within ninety days after the last item of the account or claim accrued. The Director of Finance 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. Otherwise he shall reject it. Objections of the Director of Finance may be overruled by the City Council and the warrant ordered drawn.

The Director of Finance 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 reject the demand in whole or in part.

Registering warrants

Section 1115. 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 1116. Actions Against City. No suit shall be brought for money or damages against the City or any board, commission or officer thereof until a claim or demand for the same has been presented as in this Charter provided and such claim and demand has been rejected in whole or in part. If rejected in part suit may be brought to recover the whole. Failure to complete action approving or rejecting any claim or demand within sixty days from the day the same is presented shall be deemed a rejection thereof.

Independent audit

Section 1117. Independent Audit. The City Council shall employ at the beginning of each fiscal year, a qualified certified 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 of 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, Director of Finance, Treasurer, and City Attorney, respectively, and sufficient additional copies of the audit shall be placed on file in the office of the City Clerk where they shall be available for inspection by the general public, and a copy of the financial statement as of the close of the fiscal year shall be published in the official newspaper.

Article XII
Board of Education

Board of education

Section 1200. State Law Governs. The manner in which, the times at which, and the terms for which the members of Boards of Education shall be elected or appointed, their qualifications, compensation and removal and the number

which shall constitute any one of such boards shall be as now or hereafter prescribed by the Education Code of the State of California.

Effect of charter

Section 1201. Effect of Charter. The adoption of the Charter shall not have the effect of creating any new school district nor shall the adoption of this Charter have any effect upon the existence or boundaries of any present school districts within the City or of which the City comprises a part, but such present school districts shall continue in existence subject to the provisions of the laws of the State of California as the same now exist or hereafter may exist.

Article XIII
Franchises

Franchises

Section 1300. Granting of Franchises. Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, electricity, 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 conveyance of any such service elsewhere, may be required by ordinance to have a valid and existing franchise therefor. The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not, and to 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, all subject to the provisions of this Charter.

Nothing in this Section, or elsewhere in this Article, shall apply to the City, or to any department thereof, when furnishing any such utility or service.

Resolution, notice and hearing

Section 1301. 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 by ordinance grant 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, or it may deny the same. 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.

Terms

Section 1302. Terms of Franchise. Every franchise shall state the term for which it is granted, which, unless it be indeterminate as provided for herein, 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 by voluntary agreement 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.

Franchise granted in lieu of other franchises, rights, etc

Section 1303. Grant to be in Lieu of all Other Franchises. Any franchise granted by the City 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, 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 franchises, rights and privileges within the limits of the City as such limits shall at any time exist, in lieu of which such franchise shall be granted.

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 con-

sent 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 1304. 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 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.

Grantee's duties

Section 1305. 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 to 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.

Exercising rights without franchise

Section 1306. 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 XIV. Miscellaneous

Definitions

Section 1400. 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 Newport Beach 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 Newport Beach.

(c) "County" is the County of Orange.

(d) "State" is the State of California.

Oil well drilling

Section 1401. Oil Well Drilling. No drilling for, production or refining of, oil, gas or other hydrocarbon substances shall be permitted within that area of the City included within the limits of the City of Newport Beach as such limits exist as of the effective date of this Charter.

This Section shall not prohibit the drilling for, production or refining of oil, gas or other hydrocarbon substances within any territory annexed to the City after the effective date of this Charter if such drilling, production or refining was being conducted in such territory at the date of the annexation thereof; but no such drilling, production or refining shall be permitted within any territory annexed to the City after the effective date of this Charter if such activities were not being conducted in such territory at the date of the annexation thereof.

This Section shall not prohibit the continuance of production of any well slant drilled under property within the City from a location outside of the City and in existence at the time this Charter takes effect. Nor shall this section preclude the City Council from permitting the slant drilling of wells under the surface of property within the City from surface locations located either outside the City or within future annexations to the City wherein the drilling for and production of oil, gas and other hydrocarbon substances is permitted, provided that such slant drilling shall first be approved by a majority of the electors voting on such proposition at any special or general municipal election, and provided further that all of the following conditions shall be complied with:

(a) The holding of a public hearing upon any application for a permit to conduct such drilling;

(b) The requiring of the removal of all derricks and other surface structures used in the drilling of such well upon completion or abandonment of such well;

(c) The furnishing of a faithful performance surety bond and the maintenance of public liability and property damage insurance by the permittee in amounts deemed adequate by the City Council;

(d) The screening by landscaping and the beautification of any production and maintenance facilities used in the operation of any such well;

(e) Provisions for the payment to the City of such amounts as in the sound discretion of the Council are adequate amounts

for the consideration or granting of such permit, the holding of such hearing, the making of initial and periodic inspections, the granting of easements under City property and for royalties or rentals;

(f) The requirement that no such well shall traverse any land under the area of the City wherein drilling is prohibited at a vertical depth of less than four hundred feet from the surface of the ground; and

(g) Such other conditions as the City Council may prescribe by ordinance.

Water-front property

Section 1402. Water-front Property. The City Council shall not sell or convey any water-front or beach property, excepting to the State or to the County for use as a public beach or park.

No such property owned by the City shall be leased by the City unless and until the leasing thereof shall have been approved by a majority of the electors voting on such proposition at any general or special municipal election, provided, however, that this Section shall not invalidate any lease of such property in existence at the time of the effective date of the Charter nor the future leasing or re-leasing of any such property under lease at the effective date of this Charter.

Service and utility charges

Section 1403. Service and Utility Charges. All service charges and charges for utilities furnished by the City may be combined upon one or more bills or invoices but each such charge shall be separately stated. No service or utility furnished by the City shall be discontinued for failure to pay any other service or utility furnished by the City.

Violations

Section 1404. 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 six months or by both such fine and imprisonment.

Validity

Section 1405. 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.

CERTIFICATE

Certificate

WHEREAS, the City of Newport Beach, for many years last past, has been and now is a city containing more than three thousand five hundred 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, on the 22nd day of December, 1953, at a municipal election duly and regularly held on that day in said City 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 Marco P. Anich, George M. Engelke, Lawrence B. Broering, Tom W. Henderson, Robert E. Campbell, Marion C. Forrest, C. Lester Jones, Wallace Calderhead, Ruth S. Fleming, James D. Ray, Ruby Stevenson, J. Leslie Steffensen, Henry K. Deister, Walter Gerhardt and Roland Wright, who are all electors of said City and eligible as candidates under said section, as a Board of fifteen Freeholders to prepare a new Charter for the government of said City; and

WHEREAS, the result of said election of Freeholders was duly declared by the legislative body of the City on the 29th day of December, 1953, and said electors thereafter duly qualified as such Freeholders in accordance with law;

BE IT KNOWN that in pursuance of the provisions of said Constitution and within the period of one year after the result of said election was so declared, the said Board of Freeholders has prepared and does now propose the foregoing Charter as the Charter for the government of the City of Newport Beach; and

BE IT FURTHER KNOWN that said Board of Freeholders hereby requests said legislative body of the City of Newport Beach to cause the publication of said proposed Charter as provided in said Constitution and does hereby fix and designate Tuesday the 8th day of June, 1954 as the date for the election at which the proposed Charter shall be submitted to the qualified electors of the City of Newport Beach for their ratification and adoption;

IN WITNESS WHEREAS, we the undersigned duly elected and qualified Freeholders of the City of Newport Beach, County of Orange, State of California, have hereunto set our hands at the City of Newport Beach, County of Orange, State of California, this 29th day of March, 1954.

J. Leslie Steffensen, Chairman
Ruby Stevenson, Secretary
Marco P. Anich
Lawrence B Broering
Wallace Calderhead
Robert Campbell
Henry K. Deister
George M. Engelke
Ruth S. Fleming
Marion C. Forrest
Walter Gerhardt
Tom W. Henderson
C. Lester Jones
James D Ray
Roland Wright

Freeholders of the City of Newport Beach, County of Orange, State of California.

ATTEST
Ruby Stevenson

We do further certify and declare that the foregoing constitutes a full, true and correct statement of the proceedings had by the City of Newport Beach, the said board of freeholders, and the City Council of said City in the matter of framing, proposal, and submission of said proposed charter for the government of the City of Newport Beach and in calling the election thereon, voting upon, canvassing the returns and declaring the results of said elections.

IN WITNESS WHEREOF we have hereunto set our hands and hereunto affixed the Seal of the City of Newport Beach this 12th day of November, 1954.

(SEAL)

DORA O. HILL
Mayor
NORMAN MILLER
Former Mayor
C. K. PRIEST
City Clerk

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 Newport Beach, 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 Newport Beach.

CHAPTER 2

Assembly Concurrent Resolution No. 2—Approving certain amendments to the charter of the City of Santa Ana, a municipal corporation in the County of Orange, State of California, voted for and ratified by the qualified electors of said city at a municipal election held therein on the second day of November, 1954.

[Filed with Secretary of State, January 7, 1955.]

City of Santa Ana. Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Santa Ana, a municipal corporation in the County of Orange, State of California, as hereinafter set

forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF SANTA ANA IN ADOPTING AMENDMENTS TO THE CHARTER OF THE CITY OF SANTA ANA

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss
CITY OF SANTA ANA }

Certificate

We, the undersigned, Courtney R. Chandler, Mayor of the City of Santa Ana, County of Orange, State of California, and Erma Keeler, Clerk of the Council of said City, do hereby certify and declare as follows:

That the undersigned Courtney R. Chandler was at all times herein mentioned, the Mayor of said City and that the undersigned Erma Keeler was at all times herein mentioned, the Clerk of the Council of said City; that on August 25, 1954, the petition consisting of several copies of identical printed matter bearing names was filed with the Clerk of the Council; that said Clerk of the Council caused the same to be examined and personally examined the same, and the records of the Registration of Voters in the office of the County Clerk, to ascertain whether or not the petitions were signed by the requisite number of voters, and thereafter and as a result thereof, said Clerk of the Council filed her Certificate, to comply with Section 1709 of the Election Code and the requirements of the Constitution of the State of California, with the Council of the City of Santa Ana certifying that said petition was signed by not less than 15 percent of the registered electors of the City of Santa Ana, as required by said Constitution, Article XI, Section 8, Subdivision (h), and Subdivision (k); that said printed matter in said petition contained proposed amendments to the Charter of the City of Santa.

That on August 31, 1954, the Council of the City of Santa Ana adopted Resolution No. 54-141 calling a special election to be held on the 2nd day of November, 1954, for the purpose of submitting said initiative amendments to the Charter of the City of Santa Ana to the electors thereof, and authorizing consolidation of said election with the general election to be held November 2nd, 1954, authorizing the Board of Supervisors to form the precincts, fix the polling places, appoint the precinct boards and canvass the returns of said special election, and ordering the Clerk of the Council to cause said proposed amendments to be published and placed on the ballot and to do all things necessary for said special election.

That the Clerk of the Council caused said proposed amendments to the Charter of the City of Santa Ana to be published in full on September 17, 1954, and caused a notice of election complying with the requirements thereof to be pub-

lished in full on September 17, 1954, both in the Santa Ana Independent, the official newspaper of the City and in all editions thereof upon said day; that said Clerk of the Council caused a notice of measure to be voted on, to be published, setting forth the measure and giving a statement of what it provided, on October 1 and October 8, 1954, and that she also published a legal notice stating that copies of said proposed amendments to the Charter of the City of Santa Ana to be voted on at the special consolidated election were available in the office of the Clerk giving that room number, location and building and this notice was published continuously in every issue of said paper between the date of September 17 and October 29, 1954; that all of said notices hereinabove referred to were legally published in a proper newspaper of general circulation between the dates allowed or at the time required.

That said Clerk of the Council obtained copies of said proposed amendments to the Charter of the City of Santa Ana, and provided for the mailing of the same to every registered elector in said City.

That on September 2, 1954, the Board of Supervisors of the County of Orange ordered consolidation of the special election called by the City Council of the City of Santa Ana with the general election to be held on November 2, 1954, and that said election was regularly held.

That on November 23, 1954, by resolution of the Board of Supervisors of Orange County the results of the canvass of election returns of the City election held on November 2, 1954, were declared and determined and the vote shown thereby was as follows: Yes, 11,583; No, 3,944; total of all votes, including absentee votes, 15,527; that a majority of all votes cast on said proposition were in favor of the amendments being adopted; that the proposition as it appeared upon the ballot, and as it was voted upon, read as follows:

"Shall the Charter of the City of Santa Ana be amended to provide that five wards be established prior to March 5, 1955 which wards shall not vary, one from another, more than five percent of the numerical one-fifth of the total number of registered electors, to require that one councilman reside in each ward, that a candidate be nominated from the ward where he resides, that councilmen be elected at large, that the boundary lines of wards be changed every two years by four-fifths vote of the Council unless no ward varies by ten percent from any other, that the Council must publish a map diagram of the new ward lines and hold a public hearing on notice before making any change, to provide for seven wards when City has a population of 120,000 and for nine wards when City has a population of 240,000?"	YES NO

That said election was in all respects called, consolidated with said general election and held in accordance with the election laws of the State and in accordance with the provisions of the Constitution of the State of California effecting amendments to City Charters, and that said petition was circulated by its proponents and presented in a proper fashion and was presented to the City and properly noticed in all respects as is required by laws of this State.

That said amendments to the Charter of the City of Santa Ana so prepared, proposed, circulated in petition form ratified and adopted as herein set out was and is in words and figures as follows:

First: Amend the Table of Contents by adding to Article I
Section 101.1—Wards of the City
Section 101.2—Wards, Boundary Changes
Section 101.3—Wards, Increase in Number of
Section 101.4—Wards, Notice and Public Hearings
Second: Amend the Table of Contents, Article IV to add Section 401.1 Order of Filling Office
Third: Amend to add the following Sections:
Section 101.1 Wards of the City.

City wards

The City Council in office at the time of approval of this Charter Amendment by the Legislature, shall not less than thirty (30) days before the General Municipal Election to be held on the second Tuesday in April, 1955, divide the City into five (5) wards by ordinance according to the following formula:

Each of the five (5) wards is to be as nearly equal in numbers of registered voters as possible, and in no event shall one (1) ward vary from another by more than five (5%) percent of the numerical one-fifth (1/5) of the total number of registered electors in the City as of the preceding California State General Election. The wards shall be composed of contiguous and compact territory and bounded by natural boundaries or street lines; provided however, that in laying out such wards no precinct at the time fixed by the Board of Supervisors of Orange County, shall be divided, and further provided that in the event that subsequent to the laying out of such wards said Board of Supervisors shall, at least sixty (60) days before the General Municipal Election, re-precinct the City with the result that any precinct shall be divided by the district lines, the City Council shall, not less than thirty (30) days prior to any primary or General Election, modify districts theretofore fixed to an extent sufficient to prevent the division of any precinct by a ward line. Any territory hereafter annexed to or consolidated with the City of Santa Ana shall at the time of such annexation or consolidation, be added to an adjacent ward or wards by the City Council by ordinance, provided however, that if any territory annexed at any one time shall contain qualified electors in excess of 2,500 as determined by the registration books of the County of

Orange at the time of such annexation, the City Council shall within thirty (30) days after said annexation, redistrict the City in the manner as prescribed in this Section, and pursuant to notice and hearing as required by Section 101.4.

Boundaries changes

Section 101.2 Wards, Boundary Changes.

The boundary lines of wards shall be changed every two (2) years by ordinance enacted by a four-fifths (4/5) vote of the City Council, not less than ninety (90) days prior to the General Municipal Election to be held the second Tuesday of April, in the odd numbered years, 1955, etc. The boundary lines shall be adjusted so that at each adjustment no ward shall vary from any other ward by more than ten (10%) percent in total number of qualified registered electors. If, during the preceding two (2) years, there shall not have been a change of registered elector population in any ward, such as to cause it to vary by ten (10%) percent or more from any other ward, then no change shall be made. Notice and public hearing shall be provided as required by Section 101.4.

Increase in number

Section 101.3. Wards, Increase in Number of

Whenever a decennial census or any special census shall be certified by the City Clerk as showing the following population totals, then the City Council shall re-draw the ward boundaries and not less than ninety (90) days prior to the succeeding General Municipal Election cause notice to be published in the official newspaper that the ward lines will be re-drawn to increase the number of wards as follows:

Population of 120,000 _____ to 7 wards
Population of 240,000 _____ to 9 wards

Notice and public hearing shall be provided as required by Section 101.4.

Notice and public hearing

Section 101.4 Wards, Notice and Public Hearing

Before making any change, modification or re-alignment of ward boundaries or numbers of wards, the City Council shall pass a resolution declaring its intention to make such changes. Such resolution shall set forth a convenient day, hour and place when and where any persons having any interest therein, or any objection to the making thereof, may appear before the City Council and be heard thereon. The City Council shall direct the Clerk of the Council to give notice by publishing said resolution once a week for two weeks in the official newspaper prior to the date set for hearing. Said hearing in the event of increasing the number of wards shall be held not less than sixty (60) days prior to the succeeding General Municipal Election. In any event, not less than thirty (30) days prior to the General Municipal Election, publication shall be made by map diagram in the official newspaper showing the new boundary lines of each and every ward.

Fourth: Amendments to Article IV, repeal present Sections 400, 401, 403; Enact the following:

Section 400 City Council: Number, Selection and Terms of Members

City council Number, selection, etc

The City Council shall until the provisions of Section 101.3 become operative, consist of five (5) members elected at the times and in the manner provided in this Charter, each of whom shall serve a term of four (4) years. The term of each member shall begin the first Tuesday following such election and each shall serve except as otherwise provided for in this Charter, until his successor is elected and qualified. Each office of councilman shall be a separate office and one of such offices shall be assigned to each of the five wards of the City. Candidates for each office of councilman shall be nominated from such ward by the electors of such ward and shall be residents of such ward, but all councilmen shall be elected by the vote of the electors of the City at large. (The five (5) Councilmen in office at the time this Charter Amendment takes effect shall continue in office until the expiration of the respective terms for which they were elected and until their respective successors are elected and qualified as provided in this Charter).

Qualifications

Section 401 City Council; Qualification of Members

To be eligible to hold the office of councilman, a person must be a qualified elector of the City, and must be and have been for at least two (2) years immediately preceding the date of his election or appointment, a resident and registered elector of the City. He must also be a resident of the ward from which he is elected at the time he is elected and for a period of one (1) year prior to that time. In the event any councilman shall cease to be a resident of the ward from which he (or, in the case of an appointee, his predecessor was elected his office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies; provided, that where a councilman ceases to be a resident of the ward from which he (or, in the case of an appointee, his predecessor) was elected solely because of a change in boundaries of any ward as in this Charter provided, he shall not lose his office by reason of such change. If a member of the City Council shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant and be so declared by the City Council.

Order of filling office

401.1 Order of Filling Office.

At the first election to be held under the amendments to this Charter, the first two terms to expire on the first Tuesday of April, 1955 shall be filled by the person receiving the greatest number of votes in Ward Two and the person receiving the greatest number of votes in Ward Four. The office of councilman for Ward One, Ward Three and Ward Five shall be filled at the General Municipal Election on the second Tuesday of April, 1957. Thereafter, the office of Councilman for Wards One, Three and Five and from Wards Two and Four shall be filled at alternate General Municipal Elections.

Vacancies

Section 403 City Council; Vacancies

In the event of a vacancy in the City Council, for whatever cause, the City Council shall declare the office vacant and fill the same by appointment. In each case the person so appointed shall hold office until the first Tuesday following the next General Municipal Election and until his successor is elected and qualified for the remainder of an unexpired term. Such appointee must, at the time of his appointment and continuously for one (1) year prior thereto, have been, and be a resident of the ward from which his predecessor was elected. If the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such an office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.

If a member of the City Council 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, unless by permission of the City Council expressed in its official minutes, his office shall become vacant and shall be so declared by the City Council.

We do further certify and declare that the foregoing constitutes a full, true and correct statement of the proceedings had by the City of Santa Ana and the City Council of said City in the matter of presenting the initiative proposition to amend the Charter of the City of Santa Ana, and in the presenting of said proposed amendments, and in calling the election thereon, voting thereon, canvassing the returns and declaring the results of said election.

IN WITNESS WHEREOF, we hereunto set our hands and hereunto affix the seal of the City of Santa Ana this 27th day of December, 1954.

(SEAL)

COURTNEY R. CHANDLER
Mayor
ERMA KEELER
Clerk of the Council

and

WHEREAS, Said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval 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 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 Santa Ana, 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 alteration or amendment, for and as amendments to and as part of the charter of said City of Santa Ana.

CHAPTER 3

Assembly Concurrent Resolution No. 3—Approving the charter of the City of Whittier, County of Los Angeles, State of California, ratified by the qualified electors of said city at a regular municipal election held therein on the thirteenth day day of April, 1954.

[Filed with Secretary of State, January 7, 1955.]

City of Whittier Approval of charter

WHEREAS, The City of Whittier, 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 Whittier for the preparation, proposal, adoption, and ratification of a charter for the government of said City of Whittier, all as set forth in the following certificate of the mayor and city clerk of said City of Whittier, to wit:

CHARTER CERTIFICATE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF WHITTIER

Certificate

We, the undersigned, Charles G. Sword, Mayor of the City of Whittier, State of California, and Guy N. Dixon, City Clerk of the City of Whittier, State of California, and ex officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That the undersigned, Guy N. Dixon, was at all times herein mentioned the Clerk of the legislative body of the City of Whittier and the City Clerk of the said City of Whittier; that heretofore and prior to the 9th day of February, 1954, the said City Council of the City of Whittier did cause to be framed a proposed charter for its own government and on the 23rd day of February, 1954, at a regular meeting of said City Council of said City, the City Council, by Resolution No. 2618, adopted by the unanimous vote of all its members present, all five members being present, ordered said City Clerk to place the proposition of the adoption of said proposed charter on the ballot at the regular municipal election ordered in the City of Whittier for the 13th day of April, 1954, for the purpose of submitting said proposition to the electors of the City of Whittier, and which resolution ordered that said charter be filed with the City Clerk of the City of Whittier; that said proposed charter of the City of Whittier, consisting of pages 1 to 20 inclusive, was filed in the office of the City Clerk in the City Hall at Whittier, California, on the 9th day of February, 1954; and said Resolution further ordered that the adoption of the charter should be submitted to the electors at

said general municipal election held on the 13th day of April, 1954, and directed that said City Clerk publish said proposed charter in the official newspaper of the said City, which is a newspaper of general circulation printed and published in the City of Whittier.

That said proposed charter was published pursuant to said order in the Whittier News, and in each edition thereof during the day of publication, on the 25th day of February, 1954, said newspaper being of general circulation in the City of Whittier; that the date set for the submission to the electors of said proposed charter, to wit: April 13, 1954, 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 said charter, there was advertised in the Whittier News, a newspaper of general circulation printed and published in the City of Whittier, a notice that copies of said charter were available at the office of the City Clerk in the City Hall of the City of Whittier and could be secured upon application therefor at said office; that such copies were so available.

That the population of the City of Whittier is more than 3,500 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 election was duly and regularly held on the 13th day of April, 1954, 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 said City Council of the City of Whittier, at a meeting duly held on April 20th, 1954, 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 Whittier voting thereon, as follows, to wit:

Votes in favor of the ratification of said proposed charter	2755
Votes against the ratification of said proposed charter	2477

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 the State of California 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 Whittier

We, the People of the City of Whittier, 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 and boundaries

Section 100. Name and Boundaries. The City of Whittier, hereinafter termed the City, shall continue to be a municipal Corporation under its present name of "City of Whittier". 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.

Transition from non-charter to charter city

Section 101. Succession, Rights and Liabilities. The City of Whittier 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 continue to be subject to all its debts, obligations, liabilities and contracts.

Section 102. Ordinances. All lawful ordinances, resolutions, rules and regulations, and 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 appointment, or election and qualification of their successors, but subject to the provisions of this Charter.

Operative date

Section 104. Effective Date of Charter. This Charter shall take effect upon its approval by the Legislature.

Article II
Powers of City

Powers

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.

Article III
Form of Government

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.

Article IV
City Council

City council: Membership

Section 400. Elective Officers. The elective officers of the City shall consist of a City Council of five members elected from the City at large at the times and in the manner provided in this Charter who shall serve for a term of four years and until their respective successors qualify.

The five members of the City Council in office at the time this Charter takes effect shall continue in office until the first Tuesday following the first general municipal election under this Charter.

At the first general municipal election under this Charter, the three candidates for City Council receiving the highest number of votes shall serve until the third Tuesday in April, 1960, and three members of the City Council shall be elected at the general municipal election each fourth year thereafter. The remaining two candidates elected to the City Council shall serve until the third Tuesday in April, 1958, and two members of the City Council shall be elected at the general municipal election each fourth year thereafter.

The term of each member of the City Council shall commence on the first Tuesday following his election. Ties in voting among candidates for office shall be settled by the casting of lots.

Eligibility

Section 401. Eligibility. No person shall be eligible to hold an elective office unless he is, and shall have been for at least three years immediately preceding his election or appointment, a qualified elector of the City.

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, members shall receive such fixed and equal amount as may be established by ordinance, which amount shall be deemed to be reimbursement of other out-of-pocket expenditures and costs imposed upon them in serving as City Councilmen.

Vacancies

Section 403. Vacancies. A vacancy in the City Council, 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. As used in this paragraph, the next general municipal election shall mean the next such election at which it is possible to place the matter on the ballot and elect a successor.

If a member of the City Council 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, 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 such vacancy.

In the event it shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, the City Council shall cause an election to be held forthwith to fill such vacancy for the remainder of the unexpired term.

Mayor

Section 404. The Mayor. Mayor Pro Tempore. On the first Tuesday following any general or special municipal election at which any Councilman is 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 may make and second motions and 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 have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and, as occasion requires, he may inform the people of any major change in policy or program. 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

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

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.

Interference in administrative service

Section 406. Interference in Administrative Service. Except as otherwise provided in this Charter, 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 twenty-four 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, etc.

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 or adjourned 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, and 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.

Citizen participation

Section 411. Citizen Participation. No person 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 and resolutions: Adoption

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.

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.

Publication

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.

Codification

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.

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. Maps, charts and diagrams also may be adopted by reference in the same manner.

Effective date

Section 415. Ordinances. 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:

(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.

Violation, etc

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.

Publishing of legal 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.

Restrictions on contracts

Section 418. Contracts. Restrictions. The City Council shall not have the power to make or authorize any contract or lease or extension thereof for a longer period than twenty-five years unless said contract, lease or extension be approved by a majority of those qualified electors of the City voting on such question at any election. A contract, lease or extension for a longer period shall be valid without such approval if it provides for the acquisition by the City at the end of such period of the real or personal property so leased or contracted for. This section shall not apply to any franchise granted pursuant to the provisions of this Charter or to any contract for the furnishing or acquisition of the products, commodity or services of any public utility.

Execution of contracts

Section 419. Contracts. Execution. The City shall not be bound by any contract, except as hereinafter provided, unless the same shall be made in writing, approved by the City Council and signed on behalf of the City by the Mayor and City Clerk or by such other officer or officers as shall be designated by the City Council. Any of said officers shall sign a contract on behalf of the City when directed to do so by the City Council.

By ordinance or resolution the City Council may authorize the City Manager to bind the City, with or without a written contract, for the acquisition of equipment, materials, supplies, labor, services or other items included within the budget approved by the City Council, and may impose a monetary limit upon such authority.

The City Council may by ordinance or resolution provide a method for the sale or exchange of personal property not

needed in the City service or not fit for the purpose for which intended, and for the conveyance of title thereto.

Contracts for the sale of the products, commodities or services of any public utility owned, controlled or operated by the City may be made by the manager of such utility or by the head of the department or City Manager upon forms approved by the City Manager and at rates fixed by the City Council.

The provisions of this section shall not apply to services rendered by any person in the employ of the City at a regular salary.

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, and 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.

Residence

Section 501. Residence. The City Manager need not be a resident of the City at the time of his appointment, but 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.

Eligibility

Section 502. Eligibility. No person shall be eligible to receive appointment as City Manager while serving as a member of the City Council nor within three years after he has ceased to be a City Councilman.

Compensation and bond

Section 503. Compensation and Bond. 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. The City Manager shall be entitled as a minimum compensation to six months salary commencing with the first day of his employment notwithstanding his removal by the City Council within said six months period, unless he shall die, resign, or be convicted of a crime involving moral turpitude, in which event his compensation shall cease at the conclusion of his services.

The City Manager shall furnish a corporate surety bond conditioned upon the faithful performance of his duties in such form and in such amount as may be determined by the City Council.

Powers and duties

Section 504. 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, and shall have jurisdiction over, the proper administra-

tion of all affairs of the City except those delegated by this Charter to the City Attorney or to the Board of Hospital Trustees. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager shall have power and be required to:

(a) Appoint, and he may suspend or remove, subject to the provisions of this Charter including the Civil Service System provisions thereof, 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 this Charter in the City Council or in the Board of Hospital Trustees; provided, however, that the appointment, removal and suspension of the Librarian shall be subject to the approval of the Board of Library Trustees, the appointment, suspension and removal of the City Clerk, the Controller and the Treasurer shall be subject to the approval of the City Council, and the appointment (but not the suspension or removal) of other department heads by the City Manager shall be subject to the approval of the City Council; and approve or disapprove all proposed appointments and removals of subordinate employees by those department heads who are appointed by the City Manager.

(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 fiscal 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.

(f) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances of the City are enforced.

(g) Prescribe such general rules and regulations as he may deem necessary or proper for the general conduct of the administrative offices and departments of the City under his jurisdiction, and exercise control of all such administrative offices and departments and the officers and employees thereof.

(h) Perform such other duties consistent with this Charter as may be required of him by the City Council.

Meetings

Section 505. 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.

Removal

Section 506. Removal. The City Manager shall not be removed from office during or within a period of ninety days next succeeding any municipal election at which a member of the City Council is elected. At any other time the City Manager may be removed only at a regular meeting of the City Council and upon the affirmative votes of at least three members of the City Council. At least thirty days prior to the effective date of his removal, the City Manager shall be furnished with a written notice stating the Council's intention to remove him and the reasons therefor. Within seven days after receipt of such notice, the City Manager may by written notification to the City Clerk request a public hearing before the City Council, in which event the Council shall fix a time for a public hearing which shall be held at its regular meeting place before the expiration of the thirty day period above referred to. The City Manager shall appear and be heard at such hearing. After furnishing the City Manager with written notice of his intended removal, the City Council may suspend him from duty, but his compensation shall continue until his removal as herein provided. In removing the City Manager, the City Council shall use its uncontrolled discretion, and its actions shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of which is to allow the City Council and the City Manager to present to each other and to the public all pertinent facts prior to the final action of removal.

Manager pro tempore

Section 507. Manager Pro Tempore. The City Manager may 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. If he fails to make such appointment, the City Council may appoint an officer or department head to serve as such Manager Pro Tempore.

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 who shall be appointed by and serve at the pleasure of the City Council.

Administrative 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. Where the positions are not incompatible, the City Council may combine in one person the powers and duties of two or more offices created or authorized by 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 direct 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

Section 602. City Attorney. Powers and Duties. To become and remain 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 five years prior to his appointment. The City Attorney shall have power and may 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 and 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 herein.

City clerk

Section 603. City Clerk. Powers and Duties. There shall be a City Clerk whose appointment, suspension or removal by the City Manager shall be subject to the approval of the City Council and who shall have power and shall be required to:

(a) Attend all meetings of the City Council and be responsible for the recording and maintaining of a full and true record 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) 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.

(g) Have charge of all City elections.

(h) Perform such other duties consistent with this Charter as may be required of him by the City Council.

Controller

Section 604. Controller. There shall be a Controller whose appointment, suspension or removal by the City Manager shall be subject to the approval of the City Council, and 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.

(g) Perform such other duties consistent with this Charter as may be required of him by the City Council.

Section 605. Treasurer. There shall be a Treasurer whose appointment, suspension or removal by the City Manager shall be subject to the approval of the City Council, and who shall have power and shall be required to:

(a) Receive 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 this 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.

(e) Perform such other duties consistent with this Charter as may be required of him by the City Council.

Oaths

Section 606. 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.

Appointive powers of department heads

Section 607. Department Heads. Appointment Powers. Each department head and appointive officer 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 provisions of this Charter and of any Civil Service System adopted hereunder. Any such appointment or removal by a department head appointed by the City Manager shall be subject to approval of the City Manager.

Illegal contracts

Section 608. 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 609. 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 610. 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.

Official bonds

Section 611. 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

Appointive boards and commissions

Section 700. In General. There shall be the following enumerated boards and commissions which shall have the powers and duties herein stated. In addition, the City Council may create by ordinance such additional 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.

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 members of each of such boards or commissions shall 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. They shall be subject to removal by motion of the City Council adopted by at least three 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 the term of one of each of their number shall expire each succeeding July first. Where the total number of the members of a board or commission to be appointed exceeds four, the classification by lot shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than two shall expire in each succeeding year. Thereafter, any appointment to fill an unexpired term shall be for such unexpired period.

Existing boards

Section 703. Existing Boards. The respective terms of office of all members of the boards and commissions in existence at the time this Charter takes effect shall terminate upon the effective date of this Charter. The present members of the boards and commissions which will continue in effect under this Charter shall be deemed reappointed to the respective boards and commissions of which they are members as first appointed members thereof under this Charter.

Meetings, chairmen

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 at least once each month and such special meetings as such board or commission may require. All proceedings shall be open to the public.

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. Members. There shall be a Planning Commission consisting of five members. The City Engineer and City Attorney, or their assistants, shall meet with and participate in the discussions of the Planning Commission but shall not have a vote.

Powers and duties

Section 707. Planning Commission. Powers and Duties. The Planning Commission shall have the power and be required to:

(a) After a public hearing thereon, recommend to the City Council the adoption, amendment or repeal of a Master Plan, or any part thereof, for the physical development of the City.

(b) Exercise such control over land subdivisions as is granted to it by ordinance not inconsistent with the provisions of this Charter.

(c) Make recommendations to the City Council concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the City.

(d) Exercise such functions with respect to zoning and land use as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

Personnel board

Section 708. 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.

Section 709. 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 personnel rules and regulations.

(b) Act in an advisory capacity to the City Council on problems concerning personnel administration.

(c) Hear grievances of any person in the City employment relative to any suspension, demotion or dismissal and make findings and recommendations thereon which shall be advisory only.

(d) Make any investigation which it may consider desirable concerning conditions of employment or the administration of personnel in the municipal service and report its findings to the City Council and City Manager.

(e) Perform such other duties not inconsistent with this Charter as may be prescribed by ordinance.

Board of library trustees

Section 710. Board of Library Trustees. Powers and Duties. There shall be a Board of Library Trustees consisting of five members which shall have the power and duty to:

(a) Have charge of the administration of city libraries and make and enforce such by-laws, rules and regulations as may be necessary therefor.

(b) Designate its own secretary.

(c) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(d) Purchase and acquire books, journals, maps, publications and other supplies peculiar to the needs of the library, subject, however, to the limitations of the budget for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in this Charter provided.

(e) Approve or disapprove the appointment, suspension or removal of the Librarian, who shall be the department head.

(f) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the City Council.

(g) Contract with schools, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council.

Park and recreation commission

Section 711. Park and Recreation Commission. Powers and Duties. There shall be a Park and Recreation Commission consisting of seven members.

The Park and Recreation Commission shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks, community recreation, parkways and street trees.

(b) Consider the annual budget for parks, recreation, parkways and street tree 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 parks and recreation 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.

(d) Perform such other duties not inconsistent with this Charter as may be prescribed by ordinance.

Article VIII Civil Service System

Civil service system

Section 800. Unclassified and Classified Service. The service of the City shall be divided into the Unclassified and the Classified Service.

Unclassified service

(a) The Unclassified Service shall include the following officers and positions:

1. All elective officers;
2. City Manager, Assistant City Manager, if any, one private secretary to the City Manager, City Attorney, Assistant City Attorney, if any, City Clerk, City Treasurer, Controller, City Engineer, all department heads, all employees of the Library Department including the Librarian, and all employees of the Hospital Department including the Hospital Superintendent;
3. All members of boards and commissions;
4. Positions in any class or grade created for a special or temporary purpose and which may exist for a period of not longer than six months in any one calendar year;
5. Persons employed to render professional, scientific, technical or expert service;
6. Persons who render part-time service without pay or who are paid on an hourly or per diem basis; and
7. Any new classification hereafter created by the City Council unless declared to be Classified at the time of creation or thereafter.

Classified service

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service

Merit principle

Section 801. Appointments. 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 the provisions of any ordinance not inconsistent with the provisions of this Charter or by transfer, demotion or reinstatement.

Eligible lists

Section 802. Preparation of Eligible Lists. Eligible lists shall be prepared from examinations of applicants for positions in the Classified Service which examinations 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.

Probationary period

Section 803. Probationary Period. All original and promotional appointments to positions in the Classified Service shall be for a probationary period of six months, during which the employee may be rejected by the appointing power, without assigning reasons therefor and without a hearing. The name of the dismissed probationer may at his request be restored to the eligible list with its original percentage in the discretion of the Personnel Board. Such restoration, however, shall not permit the certification to the position or department from which the probationer has been dismissed, except on the written request of the appointing power. An employee rejected during the probationary period from a position to which he has

been promoted shall be reinstated to the position from which he had been promoted, unless charges are filed against him and he is dismissed as provided in this Charter.

Status of present personnel

Section 804. Status of Present Personnel. 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 personnel system, shall retain such status in the Classified Service under this Charter.

Appointments from classified service

Section 805. Appointments From Classified Service. In the event any officer or employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and should within six months 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, unless charges are filed against him and he is demoted or dismissed as provided in this Charter

Suspension, demotion, etc

Section 806. Suspension, Demotion and Dismissal. Every person holding an office or position in the Classified Service who shall have completed the probationary period therein shall be entitled to retain his office or position so long as it exists under the same or a different title, subject, however, to suspension, demotion or dismissal as in this section provided.

Any such person may be suspended, demoted or dismissed by the appointing power, subject to the provisions of this Charter, for incompetence, habitual intemperance, immoral conduct, insubordination, repeated discourteous treatment of the public or fellow employees, dishonesty, conviction of a felony, inattention to duties, engaging in prohibited political activity, acts inimical to the public service, physical or mental incompetency, or other ground of penalty or forfeiture specified by the Constitution or by this Charter.

Any such person who is suspended, demoted or dismissed 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 dismissal is based, a copy of which statement shall be furnished to the City Clerk for delivery to the Personnel Board. Such statement shall be specific as to time, place and circumstances and shall be furnished to him within three working days after his request therefor, which request must be filed within three working days after he has been notified of such suspension, demotion or dismissal 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 person may request a hearing by the Personnel Board to review such suspension, demotion or dismissal. Such answer, or request for a

hearing, shall be filed in the office of the City Clerk for delivery to the Personnel Board. A public hearing shall be called and held on the matter by the Personnel Board within twenty days and written notice of the time and place thereof shall be given to the employee in person or by mail at least ten days before the hearing. Such employee shall be given the opportunity at such hearing to be heard in his defense in person or by counsel. 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 appointing power, with and subject to the approval of the City Manager, shall then affirm, modify or rescind the action taken, as in their judgment shall seem warranted, and such decision shall be final and conclusive.

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 appointing 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.

Nothing in this section shall restrict the right to make bona-fide reductions in force or to enact legislation requiring retirement for disability or age.

As used in this Charter, the words dismiss, remove and discharge, in all their forms and tenses, shall be synonymous and interchangeable.

Abolition of position

Section 807. Abolition of Position. Whenever in the judgment of the City Council it becomes necessary in the interest of economy or because the necessity for the position involved no longer exists, the City Council may, subject to the provisions of this Charter, abolish any position or employment in the Classified Service and thereby reduce the personnel by laying off employees without the filing of written charges and without the right of appeal. In reducing said personnel and laying off any employee through the abolition of position, the City Council shall observe the seniority rule. The name of each employee so laid off shall be placed at the top of the appropriate eligible list.

Improper political activity

Section 808. Improper Political Activity. No person holding a position in the Classified Service shall seek or accept election, nomination or appointment as an officer of a county or municipal political club or organization, or take an active part in, or make any contribution or donation to, any county

or municipal political campaign, or serve as a member or officer of a committee of such club or organization or circle, or seek signatures to any petition provided for by any law, or act as a worker at the polls, or distribute badges, pamphlets, dodgers, or handbills of any kind favoring or opposing any candidate for election or for nomination to a county or municipal public office; provided, however, that nothing in this section shall be construed to prevent any such officer or employee from becoming or continuing to be a member of a political club or organization, or from attendance at a political club or organization or from attendance at a political meeting or from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to public office.

No person in the Classified or Unclassified 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, provided, however, that no person in the employment of the City shall belong to or be a member of the Communist Party or any other party, organization or association which advocates the overthrow of the government or Constitution of the United States by force or violence.

Any wilful violation or violation through culpable negligence of any provision of this section shall be sufficient grounds to authorize the discharge of any officer or employee.

Solicitation of contributions

Section 809. Solicitation of Contributions. No officer, agent, clerk, 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 the employment lists or holding any position under the provisions of this Article.

Contracts for performance of administrative functions

Section 810. 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.

Implementation by ordinance

Section 811. Implementation by Ordinance. The City Council may, by ordinance not inconsistent with the provisions of this Charter, establish and from time to time amend adequate provisions for the functionings of the Civil Service System.

Article IX
Retirement

Retirement

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, and

to 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 the State Employees' Retirement System. The City Council may terminate any 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.

Article X
Elections

General municipal 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. The first such general municipal election shall be held on the first Tuesday in April, 1956.

Special municipal 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 municipal elections so far as the same are not in conflict with this Charter.

Initiative, referendum, and 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 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.

Annual budget

Section 1101. Annual Budget. Preparation by the City Manager. At such date as the City Manager shall determine, each department head shall furnish to the City Manager 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 city 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.

Public 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.

Adoption

Section 1104. Budget, Adoption. After the conclusion of the public hearing the City Council shall make any revisions of the proposed budget that it may deem advisable and on or before June 30, 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 public inspection. The budget so certified shall be reproduced and copies made available for the use of the public and 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.

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 three members so as to authorize the transfer of unused balances appropriated for one purpose to another purpose or to appropriate available funds not included in the budget or to cancel any appropriation not expended or encumbered.

Centralized purchasing

Section 1106. Centralized Purchasing. Under the control and direction of the City Manager there shall be established a centralized purchasing system for all city departments and agencies.

Tax limits

Section 1107. Tax Limits.

(a) The City Council shall not levy a property tax for municipal purposes, except as otherwise provided in this section, in excess of One Dollar annually on each One Hundred

Dollars of the assessed value of taxable property in the City, unless authorized by the affirmative votes of two-thirds of those 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 same time and in the same manner as other property taxes for municipal purposes are levied and collected, in addition to the above limit, 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 and 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 limits, may be made annually for the purposes, within the limits, and to the extent that cities of the sixth class may make special levies in addition to their general tax limit, under the Codes and statutes of the State as they may exist from time to time.

The proceeds of any such special levy shall be used only for the respective purposes for which it is levied.

Tax procedure

Section 1108. 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 1109. 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 those 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.

Public works contracts

Section 1110. Contracts on Public Works. Every project for the construction or improvement of public buildings, works, streets, drains, sewers, utilities, parks or playgrounds, and every purchase of supplies or materials for any such project, when the total expenditures required for the same exceed the sum of Three Thousand Dollars, shall be let by the City Council by contract to the lowest responsible bidder after notice by publication in the official newspaper by two or more insertions, the first of which shall be at least ten days before the time for opening bids. Projects for the maintenance or repair of streets, drains or sewers are excepted from the re-

quirements 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, without advertising for bids, or 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 supplies or 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 or said supplies or materials purchased 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 or supplies or materials 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 1111. 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 as soon as sufficient tax moneys are apportioned and in any event before the end of the fiscal year.

Capital outlays fund

Section 1112. Capital Outlays Fund. 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 those 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 those 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 1113. Presentation of Demands. 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, or within such shorter time as is otherwise provided by law, 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 sustained. All such claims shall be approved or rejected in writing by order of the City Council and the date thereof given.

All other demands 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 within ninety days after the last item of the account or claim accrued. The Controller 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. Otherwise he shall reject it. 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 reject the demand in whole or in part.

Registering warrants

Section 1114. 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 1115. Actions Against City. No suit shall be brought for money or damages against the City or any board, commission or officer thereof until a claim or demand for the same has been presented as in this Charter provided and such claim and demand has been rejected in whole or in part. If rejected in part suit may be brought to recover the whole. Failure to complete action approving or rejecting any claim or demand within sixty days from the day the same is presented shall be deemed a rejection thereof.

Independent audit

Section 1116. Independent Audit. The City Council shall employ at the beginning of each fiscal year, a qualified certified 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 of 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 a 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 sufficient additional copies of the audit shall be placed on file in the office of the City Clerk where they shall be available for the general public, and a copy of the financial statement as of the close of the fiscal year shall be published in the official newspaper.

Article XII
Board of Education

Board of education

Section 1200. State Law Governs. The manner in which, the times at which, and the terms for which the members of Boards of Education shall be elected or appointed, their qualifications, compensation and removal and the number which shall constitute any one of such boards shall be as now or hereafter prescribed by the Education Code of the State of California.

Effect of charter

Section 1201. Effect of Charter. The adoption of this Charter shall not have the effect of creating any new school district nor shall the adoption of this Charter have any effect upon the existence or boundaries of any present school districts within the City or of which the City comprises a part, but such present school districts shall continue in existence subject to the provisions of the laws of the State of California as the same now exist or hereafter may exist.

Article XIII
Hospital Department

Hospital *department* Administration

Section 1300. Administration. There shall be a hospital department which shall be under the administration of a Board of Hospital Trustees subject, however, to the fiscal and budgetary duties of the City Manager as set forth in this Charter. Said department shall include the Murphy Memorial Hospital and any other hospitals, nurses' home or nurses' training school now or hereafter operated by the City. During such periods of time, if any, as no hospitals, nurses' homes or nurses' training school is operated by the City, this Article shall be suspended and inoperative.

Board of hospital trustees

Section 1301. Board of Hospital Trustees. There shall be a Board of Hospital Trustees consisting of seven members. The City Manager shall, by virtue of his office, be a voting member of the Board of Hospital Trustees and shall constitute one of the seven members of said Board. All of the provisions of Article VII of this Charter relating to boards and commissions generally, to the organization, meetings, conduct of proceedings, and expenses thereof, and to the appointment, qualifications, term of office, removal, compensation, and powers of members thereof, where not inconsistent with the provisions of this Article, shall apply to the Board of Hospital Trustees and to its members.

Powers and duties

Section 1302. Board of Hospital Trustees. Powers and Duties. Subject to the provisions of this Charter, the Board of Hospital Trustees shall have the power and duty to:

(a) Prepare and submit a proposed annual budget for the hospital department and make recommendations with respect thereto to the City Council and the City Manager. The Board of Hospital Trustees shall act as the department head in the preparation and submission of the hospital department budget and shall have the opportunity for comment and recommendation directly to the City Council after review of the budget by the City Manager.

(b) Within the limits of the budget, administer the hospital department and authorize the acquisition, construction, improvement, extension, enlargement, diminution, or curtailment of all or any part of any service or facility of the hospital department. No such acquisition, construction, improvement, extension, enlargement, diminution or curtailment shall be made without such authorization.

(c) Have charge of the administration of all properties, facilities, employees, and services of the hospital department; make and enforce all policies, rules and regulations necessary for the administration, protection and maintenance of said properties, facilities and services; make and enforce rules for the administration and regulation of employees of the hospital department and the members of the staff or staffs thereof, and for the care and regulation of patients; and accept money, personal property or real estate donated to the City for hospital department purposes, subject to approval of the City Council.

(d) Require of the Hospital Superintendent monthly reports of receipts and expenditures of the hospital department and monthly statements of the general condition of the department and its facilities. The City Council shall be furnished copies of said statements.

(e) Establish rates and charges of all services, goods and facilities furnished or provided by the hospital department.

(f) Appoint, suspend or remove the Hospital Superintendent, who shall be the department head and who shall be directly responsible to the Board. The City Council shall be advised in advance of any action to be taken with respect to the appointment, suspension or removal of the Hospital Superintendent.

(g) Designate its own Secretary.

(h) Make such reports and recommendations to the City Council regarding the hospital department as it shall deem advisable.

(i) Establish a professional staff or staffs and appoint the members thereof.

(j) Exercise such other powers and perform such other duties as may be prescribed by ordinance not inconsistent with any of the provisions of this Charter.

Purchases and expenditures

Section 1303. Purchases and Expenditures. Within the limits of the budget, the purchase of equipment, materials and supplies peculiar to the needs of the hospital department may be made by the Hospital Superintendent and need not be made through the centralized purchasing system. The expenditure and disbursement of funds of the hospital department shall be made and approved as elsewhere in this Charter provided.

Use of revenue

Section 1304. Use of Revenue. The revenue of the hospital department for each fiscal year shall be kept separate and apart from all other moneys of the City and shall be used for the purposes and in the order as follows:

(a) For the payment of the operating and maintenance expenses of the hospital department, including any necessary contribution to retirement of its employees, and the maintenance of an operating reserve in an amount not to exceed one-fourth of the preceding fiscal year's operating and maintenance expenditures.

(b) For the payment of interest on the bonded debt incurred for the construction or acquisition of property of the hospital department.

(c) For the payment or provision for the payment of the principal of said debt as it may become due.

(d) The remainder, if any, shall be used only for the purposes of the hospital department as recommended by the Board of Hospital Trustees and approved by the City Council.

Article XIV
Franchises

Granting of franchises

Section 1400. Granting of Franchises. Any person, firm or corporation furnishing the City or its inhabitants with transportation, communication, terminal facilities, water, light, heat, electricity, 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 a valid and existing franchise therefor. The City Council is empowered to grant such franchise to any person, firm or corporation, whether operating under an existing franchise or not, and to 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, all subject to the provisions of this Charter.

Nothing in this section, or elsewhere in this Article, shall apply to the City, or to any department thereof, when furnishing any such utility or service.

Resolution, notice and hearing

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 by ordinance grant 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, or it may deny the same. 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.

Terms

Section 1402. Term of Franchise. Every franchise shall state the term for which it is granted, which shall not exceed twenty-five years.

Eminent domain

Section 1403. 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.

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 Whittier, 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 Whittier.

(c) "County" is the County of Los Angeles.

(d) "State" is the State of California.

Violations

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.

Validity

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 Whittier and the City Council of said city in the manner of the framing of a proposal and submission of said proposed charter for the government of the City of Whittier 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 hereunto affix the seal of said City of Whittier this 5th day of August, 1954.

(CORPORATE SEAL)

CHAS. G. SWORD
Mayor of the City of Whittier
GUY N. DIXON
City Clerk of the City
of Whittier

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 Whittier, 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 Whittier.

CHAPTER 4

Assembly Concurrent Resolution No. 4—Relative to commending the Honorable Kathryn T. Niehouse.

[Filed with Secretary of State, January 7, 1955.]

WHEREAS, Mrs. Kathryn T. Niehouse was compelled, for reasons of health, to refrain from seeking re-election to the Legislature of the State of California; and

WHEREAS, Mrs. Niehouse's career of distinguished public service as an honored and respected Member of the Assembly encompassed a span of 12 years, from 1942 until 1954; and

WHEREAS, The exemplary record of able and devoted service which she has compiled during her six consecutive terms as the representative of the Seventy-ninth Assembly District is inspirational and worthy of emulation; and

WHEREAS, Mrs. Niehouse served with distinction as the chairman of the Assembly Social Welfare Committee and of the Interim Committee on Social Welfare, and as a member of the Assembly Committees on Education; Manufacturing, Oil and Mining Industry; and Military Affairs; and

WHEREAS, She sought not personal aggrandizement, rather she devoted all of her talents and efforts in attempting to further the things which she honestly believed were in the best interest of all 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 do hereby take this opportunity to commend Mrs. Kathryn T. Niehouse for her distinguished and devoted service to the people of the State of California and to wish her a speedy recovery of her health; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to prepare and to transmit a suitably engrossed copy of this resolution to Mrs. Niehouse.

CHAPTER 5

Assembly Concurrent Resolution No. 5—Approving certain amendments to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a municipal election held therein on the second day of November, 1954.

[Filed with Secretary of State, January 7, 1955.]

City of Albany: Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, as hereinafter set forth 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 ALBANY AT A MUNICIPAL ELECTION HELD ON THE 2ND DAY OF NOVEMBER, ONE THOUSAND NINE HUNDRED AND FIFTY FOUR, OF CERTAIN AMENDMENTS TO THE CHARTER OF ALBANY, STATE OF CALIFORNIA.

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.
CITY OF ALBANY }

Certificate

We, Lewis Howell, Mayor of the City of Albany, and Myrtle J. McLean, City Clerk of the City of Albany, do hereby certify as follows:

That said City of Albany, in the County of Alameda, State of California, is now and was at all times herein mentioned, a city containing 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; and

That said City of Albany is now and was at all times herein mentioned, organized and existing under a Charter adopted under the provisions of Section 8, of 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 municipal election held therein on the 26th day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, Page 2312), and by Resolution of said Legislature filed with the Secretary of State of the State of California on the 19th day of April, 1927 (Statutes 1927, Chapter 53, Page 2312); and

Pursuant to the provisions of Section 8 of Article XI 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 8, of Article XI of the Constitution of the State of California, duly

propose to the electors of said City of Albany 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 2nd day of November, 1954; and

That said proposed amendments were, on the 17th and 24th days of September, 1954, duly published in the "Albany Times", a newspaper of general circulation, published in the City of Albany, and the official newspaper designated by said City Council for that purpose, and in each edition thereof;

That said City Council did by Resolution designated as Resolution No. 1931-A.N.S, which was duly adopted on the 30th day of August, 1954, called for and give special notice of a special municipal election in the City of Albany on the 2nd day of November, 1954, which date was more than 40 days and less than 60 days after the completion of the publication of the said proposed amendment to the Charter of the City of Albany, as aforesaid; and

That said special municipal election was held in said city on said 2nd day of November, 1954, which date was more than 40 days and less than 60 days after said proposed amendment to said Charter had been published in said "Albany Times", as aforesaid; and

That at said special municipal election held as aforesaid, on said 2nd day of November, 1954, a majority of the voters voted in favor of the three proposed amendments, as hereinafter set forth, to the Charter of the City of Albany and duly ratified the same; and

That the Board of Supervisors of the County of Alameda, 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 voted thereon, and voted in favor of and ratified said proposed amendments to the Charter of the City of Albany, which amendments are in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT No. 1

Board of trustees of police and fire relief, etc., fund

Section 50. (a) Trustees Who Shall Constitute Board of Trustees of Police and Fire Relief or Pension Fund. The Mayor of the City of Albany, the City Treasurer, the City Clerk, and one member each from the Police and Fire Departments appointed by the Mayor upon the recommendation of the Civil Service Employees of the Police and Fire Departments which latter two members shall serve for a period of two years, are hereby constituted, a Board of Trustees of the Police and Fire Relief or Pension Fund of the Police and Fire Departments of the City of Albany, County of Alameda, State of California, which Board shall be known as the "Board of Police and Fire Pension Fund Commissioners".

PROPOSED CHARTER AMENDMENT No. 2

Section 50. (g) Stipulated Sum to Family. Whenever any person while serving as a member of the Police or Fire Departments of the City of Albany, shall die from natural causes, unrelated to his service as a member of said Police or Fire Departments, then his widow or children, or if there be no widow or children, then his parents or parent, or if there be no widow or children, or parents or parent, then the brothers and sisters of said member, or the survivor of them, shall receive a sum equal to the total amount of the payments made by said person into said fund together with interest on said sums at the rate of Two Percent (2%) per annum computed from the date said sums were paid into said fund by said member, within ninety (90) days from the date of the death of said member."

Policeman's, fireman's survivor benefit

PROPOSED CHARTER AMENDMENT No. 3

Section 50. (j) Meetings and Duties of Board. The Board herein provided for shall hold monthly meetings on the first Tuesday of each month and upon the call of its President; it shall issue warrants signed by its President and Secretary, to persons entitled thereto of the amount of money ordered paid to such person from such fund by said board, which warrant shall state for what purpose said payment is to be made; it shall keep a record of all of its proceedings; which records shall be a public record; it shall at each monthly meeting send to the Auditor of the City of Albany a list of all persons entitled to payments of the funds herein provided for, stating the amount of such payments and for what granted, which list shall be certified to and signed by the President and Secretary of such Board, and attested under oath. The Auditor shall thereupon enter a copy of said list upon a book to be kept for that purpose, which shall be known as "The Police and Fire Relief and Pension Fund Book". When such list has been entered by the Auditor, he shall transmit the same to the City Council, which City Council shall order the payment of the amount named therein out of the Police and Fire Relief and Pension Fund. A majority of all the members of said Board herein provided for shall constitute a quorum and have power to transact any and all business.

Meetings and duties of board

The foregoing is a full, true and correct copy of said proposed Amendments to the Charter of the City of Albany, ratified by the electors of said City as aforesaid, on file in the Office of the City Clerk of the said City of Albany.

That attached hereto and made a part hereof is a Certification of Results of Canvass of Votes cast at the said election.

IN WITNESS WHEREOF, Lewis Howell, Mayor as aforesaid, and Myrtle J. McLean, City Clerk, as aforesaid, have hereunto

set their hands and caused the Seal of the City of Albany to be thereunto duly affixed, on this 20th day of December, 1954.

(SEAL)

LEWIS M. HOWELL
Mayor of the City of Albany
MYRTLE J. McLEAN
City Clerk of the City of Albany

Prepared and approved by:
ROBERT J. FOLEY
City Attorney of the City of Albany

and

WHEREAS, Said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval 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 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 Albany, 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 alteration or amendment, for and as amendments to and as part of the charter of said City of Albany.

CHAPTER 6

Assembly Concurrent Resolution No. 13—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State, January 7, 1955.]

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 7

Senate Joint Resolution No. 1—Relative to proposed restriction of civil aircraft flights in southeastern California

[Filed with Secretary of State, January 10, 1955.]

WHEREAS, The United States Department of Defense has requested that a new restricted area for civil aircraft flights be established in southeastern California, comprising parts of Kern, San Bernardino, Fresno, Tulare, and Inyo Counties; and

WHEREAS, If such a restricted area is established, a total of approximately 15,000 square miles of territory will be closed or substantially restricted with respect to civil aircraft flights, thus forcing the curtailment or complete elimination of commercial and private aviation in the area; and

WHEREAS, This area contains more than 18 active civil airports, the continued operation of which would be jeopardized if such a restricted area is established, and constitutes the most direct air route between Los Angeles and Reno, as well as an area which cannot be served adequately by other forms of transportation; and

WHEREAS, There is a vital need for maintaining free access for civil aircraft to the Owens Valley route to Reno, and to the many valley and desert airports; and

WHEREAS, The approval of the proposed restricted area as requested would result in military control of all civil aircraft flights within the area, with no assurance that essential civil aircraft flights could be conducted; and

WHEREAS, Provision could be made for civil flight within the area by means of corridors or free altitudes or by modifying the boundaries of the proposed restricted area without interference with national defense interests; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the United States Civil Aeronautics Board to make provision for civil flight within the proposed restricted area by means of corridors or free altitudes or by modifying the boundaries of the proposed restricted area before approving the request of the United States Department of Defense; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the Civil Aeronautics Board, the Secretary of Commerce, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 8

Senate Concurrent Resolution No. 1—Relative to the passing of the Honorable Clyde A. Watson.

[Filed with Secretary of State, January 10, 1955.]

WHEREAS, Members of the California Legislature have learned with sorrow of the death on October 8, 1954, of the Honorable Clyde A. Watson of the City of Orange, Orange County, California; and

WHEREAS, The Honorable Clyde A. Watson, a native of Indiana, was brought to California as a child, educated in the schools of this State, became a locomotive engineer and for many years drove one of the finest passenger trains of the Salt

Lake Railroad, later acquired by the Union Pacific, in and out of the City of Los Angeles, after which he moved to Orange County where for more than 25 years he engaged in the business of producing citrus fruit and serving in public office; and

WHEREAS, His service to the public covered a wide scope of activities, among others serving as Mayor of Orange for two years, Assemblyman from Orange County for 10 years, and as State Senator from Orange County for six years. Also, he was for many years a member of the Board of Education for the Orange High School, a Y. M. C. A. director, an elder of the Presbyterian Church, member of the Izaac Walton League and honorary member of the Orange Rotary Club; and

WHEREAS, Throughout all of his career as a private citizen and as a public official the Honorable Clyde A. Watson was known as a man of high principles, generous nature and a friendly disposition, which attributes earned for him the high esteem and lasting affection of all who knew him; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California deplores the passing of this fine citizen and desires by this resolution to convey its most sincere sympathy to the bereaved members of his family; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to have fittingly engrossed copies of this resolution forwarded to Miss Mildred Watson (daughter), and Dr. Ralph E. Watson and Frank Watson, sons of the Honorable Clyde A. Watson.

CHAPTER 9

Senate Concurrent Resolution No. 2—Relative to approving an amendment to the 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 second day of November, 1954.

[Filed with Secretary of State, January 10, 1955.]

County of Santa Clara' Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the charter of the County of Santa Clara, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and county clerk of the said county as follows, to wit:

CERTIFICATE OF ADOPTION

By the Qualified Electors of the County of Santa Clara at the General Election Held Therein on the 2nd Day of November, 1954, of a Certain Amendment to the Charter of the County of Santa Clara, State of California.

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA } ss.

We, the undersigned, A. W. Brown, Chairman of the Board of Supervisors of the County of Santa Clara, State of California, and Richard Olson, Clerk of said Board of Supervisors of the County of Santa Clara, State of California, do hereby certify and declare as follows: Certificate

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 and is now and has been since the 4th day of September, 1951, organized and acting under and by virtue of a Freeholders' Charter adopted under and pursuant to provisions 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 the 7th day of November, 1950, and approved by the Legislature of the State of California on the 5th day of June, 1951, and filed in the office of the Secretary of State on the 5th day of June, 1951.

That the Board of Supervisors of said County, pursuant to the provisions of Section 7½ of Article XI of said Constitution, did, by resolution and order regularly passed and duly adopted on the 7th day of September, 1954, propose to the qualified electors of said County of Santa Clara an amendment to the Charter of said County, designated as Proposition No. 1, 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 the 2nd day of November, 1954, which date was fixed by law as the date of holding said general election.

That said proposed Charter amendment to the Charter of the County of Santa Clara was duly and regularly published for ten (10) times in the San Jose Mercury, a daily newspaper of general circulation printed, published and circulated in said County, on September 15, 16, 17, 18, 20, 21, 22, 23, 24, and 25, 1954.

That said general election was held in said County of Santa Clara on November 2, 1954, which said day was not less than thirty (30) days nor more than sixty (60) days after said proposed amendment to said Charter had been published for ten (10) times in said San Jose Mercury.

That thereafter the returns of said general election held in the County of Santa Clara on November 2, 1954, at which said election said proposed amendment was duly submitted to the vote of the qualified electors of said County of Santa Clara, were made to and canvassed by the County Clerk of the County of Santa Clara and by said officer certified to the Board of Supervisors of said County, and said Board of Supervisors did on the 29th day of November, 1954, 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.

That at said general election held on November 2, 1954, proposed County Charter amendment designated as Proposition No. 1 was ratified by a majority of the electors of said County of Santa Clara voting thereon. That said Charter amendment so ratified by the electors of said County of Santa Clara 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 and pursuant to the provisions of Section 7½ of Article XI of the Constitution of the State of California.

That said Charter amendment is in words and figures as follows, to-wit:

CHARTER AMENDMENT PROPOSITION No. 1

Compensation of supervisors

Section 207 of the Charter of the County of Santa Clara is hereby amended to read as follows:

"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 general law. 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."

That the foregoing proposed and ratified amendment to the Charter of the County of Santa Clara, submitted to the electors of said County at a general election held in said County on November 2, 1954, has been compared with the original proposal which was submitted to the electors of said County of Santa Clara on said date, pursuant to the resolution of the Board of Supervisors of the County of Santa Clara hereinabove referred to, and that the foregoing Charter amendment is a full, true and correct and exact copy thereof, and we further certify that the facts set forth in the certificate preceding said Charter amendment are, and each of them is, true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused this Certificate of Adoption to be authenticated by the Seal of the Board of Supervisors of the County of Santa Clara, State of California, this 13th day of December, 1954.

(SEAL)

A. W. BROWN
Chairman of the Board of Supervisors of the County of Santa Clara, State of California

RICHARD OLSON
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: RICHARD OLSON, Clerk, Board of Supervisors
By R. OLSON
Dated: December 13, 1954
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 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 thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That said amendment to the charter of the County of Santa Clara, as presented to, and adopted, and ratified, by the electors of said county and as hereinbefore fully set forth, be, and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to, and as a part of, the charter of said County of Santa Clara. Approval

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CHAPTER 10

Senate Concurrent Resolution No. 3—Approving certain amendments to the charter of the City of Watsonville, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified voters of said City of Watsonville at a special election held therein on the twenty-second day of June, 1954.

[Filed with Secretary of State, January 10, 1955.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments as hereinafter set forth to the charter of the City of Watsonville, a municipal corporation in the County of Santa Cruz, State of California, as set forth in the certificate of the President pro Tempore of the Board of Aldermen and ex officio Mayor of the City of Watsonville and the city clerk of said city, under the seal thereof, as follows, to wit: City of Watsonville Charter amendments

STATE OF CALIFORNIA
COUNTY OF SANTA CRUZ } ss.
CITY OF WATSONVILLE

CERTIFICATE OF RATIFICATION OF TWO AMENDMENTS TO THE CHARTER OF THE CITY OF WATSONVILLE

We, the undersigned, W. J. C. Ramsay, President Pro Tempore of the Board of Aldermen and Ex-Officio Mayor of Certificate

the City of Watsonville, and F. J. O'Brien, City Clerk of said City, do hereby certify as follows:

That the City of Watsonville, a municipal corporation in the County of Santa Cruz, 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 February 16, 1903, 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 Watsonville at an election held for that purpose on the 30th day of August, 1902 and approved by the Legislature of the State of California on the 16th day of February, 1903.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Board of Aldermen of the City of Watsonville, on its own motion, duly made and entered on the minutes of said Board of Aldermen on April 26, 1954, duly and regularly prepared and proposed to submit to the qualified voters of said City of Watsonville, eight proposed amendments to the Charter of said City of Watsonville, said charter amendments being designated Measures 1, 2, 3, 4, 5, 6, 7 and 8, respectively, filed in the office of the Clerk of said City of Watsonville on said April 26, 1954, and further ordered that said charter amendments should be submitted to and voted upon by the qualified voters of said City at a special election called and held for that purpose in said City on the 22nd day of June, 1954, and at which said election there was likewise submitted Measure 9, submitting to the voters the question of electing a Board of Freeholders to frame a proposed new Charter for the City of Watsonville.

That said proposed charter amendments, and each of them, were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 26th day of April, 1954, in the Watsonville Register-Pajaronian and Sun, a daily newspaper of general circulation printed and published in said City of Watsonville, (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 Watsonville on June 22, 1954, which day was more than 40 days and less than 60 days from the completion of the publications of said proposed charter amendments for one day in said Watsonville Register-Pajaronian and Sun; and that at said election a majority of the qualified voters voting thereon voted in favor of Measures 4 and 5, respectively, and against Measures 1, 2, 3, 6, 7 and 8, and in favor of Measure 9, and that said Board of Aldermen, as provided by law, duly and regularly canvassed the returns of said election and did duly find, determine and declare the result of said spe-

cial election to be that a majority of the qualified voters of said City voting on each of said proposed charter amendments had voted for and ratified charter amendments Measures 4 and 5, and that Charter amendments Measures 1, 2, 3, 6, 7 and 8 received less than a majority of the votes of the electors voting thereon and were not ratified, and that the City Clerk did enter on the record and in the minutes of said Board of Aldermen a statement of the result of said election.

That said amendments to the Charter of the City of Watsonville, so ratified by the electors of said City of Watsonville, are in words and figures as follows, to wit:

MEASURE (4): To amend the Charter of the City of Watsonville by deleting the last three sentences of Section 5 of Article V thereof, which read as follows:

"The Chief of Police and all policemen shall devote their entire time to the discharge of their official duties, and shall not absent themselves from the City unless in pursuit of persons who have committed public offense within the limits of the City. If any member of the Police Department shall be absent from the City of Watsonville, unless granted leave of absence by the Board of Aldermen, he shall forfeit his salary for the time of such absence. Any policeman shall have the authority to execute the orders and process of the police Court."

so that said Section 5 read as follows:

"The Chief of Police shall keep a public office to be provided and furnished by the Board of Aldermen, which office should be kept open day and night." Office of chief of police

MEASURE (5): To amend the Charter of the City of Watsonville by deleting from Section 6, Article V Police Department, "and a resident and elector of the City of Watsonville for at least two years next preceding his appointment," so that said Section 6, Article V read as follows:

"Sec. 6. No person shall be appointed to any position on the police force of the City of Watsonville unless he shall be a man of good moral character, or good reputation for honesty and sobriety and a citizen of the United States; nor shall any person be so appointed who has ever been convicted of felony, or who is unable to understand English, read and write the English language, or who is deficient in health, strength or courage; and every appointee shall not be less than twenty-one years of age and must, upon being appointed, but before entering upon the duties of his office, undergo such physical examination as the Board of Aldermen may from time to time prescribe." Qualifications of policemen

That we have compared the foregoing amendments, and each of them, with the original proposals submitted to the electors of said City of Watsonville and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preambles of this Certificate preceding said amendments to said Charter, are, and each of them, is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Watsonville to be fixed hereto this 16th day of August, 1954.

W. J. C. RAMSAY
(SEAL) President Pro Tempore and Ex-Officio Mayor of the City of Watsonville, California
P. J. O'BRIEN
City Clerk of the City of Watsonville, State of California.

and

WHEREAS, The said proposed amendments as ratified, as hereinabove set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval and ratification as a whole without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved by the Senate of the State of California, the Assembly 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 Watsonville as proposed to and adopted and ratified by the electors of said city as hereinabove fully set forth be and the same hereby are, and each of them is, approved as a whole without amendment or alteration for and as amendments to and as parts of the charter of said City of Watsonville.

CHAPTER 11

Senate Concurrent Resolution No. 4—Approving an 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 special municipal election held therein on the second day of November, 1954.

[Filed with Secretary of State, January 10, 1955.]

City of San Diego Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment hereinafter set forth to the charter of the City of 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, John D. Butler, 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 free-holders' 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. 6246 (New Series), adopted by said Council on the 2nd day of September, 1954, duly proposed to the qualified electors of The City of San Diego an amendment to the Charter of said City, designated as Proposition B, and ordered said proposed charter amendment to be submitted to said qualified electors at the special municipal election called and held in said City on the 2nd day of November, 1954.

That said Council by its Resolution No. 119912, adopted August 24, 1954, and filed with the Board of Supervisors of the County of San Diego on said August 24, 1954, requested that said special municipal election be consolidated with the state-wide general election to be held on the 2nd day of November, 1954, within The City of San Diego, and that said Board of Supervisors canvass the returns of said special municipal election; and said Board of Supervisors on the 31st day of August, 1954, approved such request and ordered the consolidation of said special municipal election with the state-wide general election of November 2, 1954, within The City of San Diego.

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, 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 September 10, 1954.

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 24th day of September, 1954, 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. 6246 (New Series) to the qualified electors of said City at the special municipal election held in said City on the 2nd day of November, 1954.

That upon the completion of the canvass of said special municipal election the County Clerk and ex officio Clerk of the Board of Supervisors of the County 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 30th day of November, 1954; and the Council of said City did, by Resolution No. 121560, adopted December 7, 1954, duly declare the result of said election.

That said Council did by said Resolution No. 121560 declare that the said proposed amendment to the Charter of The City of San Diego designated as Proposition B was ratified by a majority of the qualified electors of said City voting thereon.

That as to 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:

PROPOSITION B.

Amend Article VII of the Charter of The City of San Diego by adding a new section thereto to be numbered Section 90.1, which said section shall read as follows:

Water system Bonds

"Section 90.1. Notwithstanding any of the provisions of this Charter to the contrary the Council of The City of San Diego shall have power, with the consent of a majority vote of the electors of said City, to provide for the expansion, extension, replacement or betterment of the water impounding, treating and distribution system of the City and to provide for the payment of the cost of such public improvements by the issuance and sale of bonds or other securities payable in whole or in part from the revenues derived from the maintenance and operation of said public improvements as hereinafter provided in sub-paragraph (2) hereof. The Council shall exercise such power only by ordinance after recommendation by the City Manager and a finding by such legislative body that there exists a need therefor, and no such ordinance shall become

effective until approved by a majority vote of the electors of said City voting at either a general or special election.

Any ordinance adopted under this section shall provide, in addition to other matters:

(1) A maturity date for the bonds or securities not to exceed thirty (30) years from the date of the issuance shall be fixed.

(2) Each bond or security shall provide that the principal of such bond or security, together with the interest thereon shall be payable only from a special fund which shall consist of such revenues of the Water Department as are in excess of the amount needed to operate and maintain the Water Department.

The Council may, however, if deemed advisable, use premiums or accrued interest payments on such bonds or securities to reduce the interest obligation on such bonds or securities. The Council may also use the proceeds of the sale of any refunding bonds which may be authorized to pay off the principal and interest obligation of said bonds or securities.

(3) Each bond or security authorized hereunder shall contain a clause to the effect that neither the principal nor interest thereon shall under any circumstances ever become an obligation chargeable or enforceable against any of the tax revenues of the City, or any other revenues of said City, except such revenues as are expressly specified in the bond or security for the payment of such bond or security, or the interest thereon.

The Council may authorize the insertion of a covenant or agreement in each bond or security herein authorized to the effect that during the life of said bond or security and until the principal thereof, together with the interest thereon, is fully paid, the Council will fix such charges or fees for the use of such public improvements or the services furnished the people by the operation of such public improvements, or both, as will produce moneys sufficient in amount to insure the payment in full of the principal and interest of such bond or security when due, and the cost in full of the maintenance and operation of said public improvements during the life of said bond or security.

The Council shall also have power to insert in each bond or security such other covenants as will tend to insure the safety of said bond or security for investment purposes.

The Council may also provide in each issue of revenue bonds herein authorized a reservation on behalf of the City that said City shall have the right at any time to redeem and pay the principal and interest of said revenue bonds out of the proceeds derived from the issuance and sale of such refunding bonds as may be authorized.

All bonds or securities issued pursuant to the provisions of this section of the Charter shall be so worded as to make the same negotiable.

After the revenue bonds herein authorized are fully redeemed, and all the interest thereon paid to the bondholders, the Council shall have power to fix only such charges or fees

for the use of such public improvements or for the services furnished the people by the operation of such public improvements as shall pay the cost of operating and maintaining the same, together with such repairs, replacements and additions as may be needed to keep such improvements in good operating condition.

No bond or security, or any interest payable thereon, issued under this section of the Charter shall ever under any circumstances create or impose any obligation upon the City itself, or the tax revenues of said City, or any revenue of the City other than the revenues which are herein authorized to be pledged to secure the payment of the principal and interest of the bonds or securities issued pursuant to this section of the Charter, and in no event shall the City, during such time as any bonds issued pursuant to this section are outstanding, appropriate its tax revenues for Water Department purposes except to the extent that such may be needed to supplement revenues of the Water Department for any fiscal year during which the anticipated Water Department revenues are insufficient to meet the estimated costs of normal operation and maintenance of the Water Department for such year.

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 13 day of December, 1954.

JOHN D. BUTLER
(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 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

Approval

Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of San 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.

CHAPTER 12

Senate Concurrent Resolution No. 5—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 special municipal election held therein on the eighth day of June, 1954.

[Filed with Secretary of State, January 10, 1955.]

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, John D. Butler, 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 by 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. 6043 (New Series), adopted by said Council on the 6th day of April, 1954, duly proposed to the qualified electors of The City of San Diego seven certain amendments to the Charter of said City, designated as Propositions C, D, E, F, G, H and I, respectively, and ordered said seven proposed charter amendments to be submitted to said qualified electors at the special municipal election called and held in said City on the 8th day of June, 1954.

That said Council by its Resolution No. 116837, adopted February 25, 1954, supplemented by its Ordinance No. 6043 (New Series), adopted April 6, 1954, and filed with the Board of Supervisors of the County of San Diego on said April 6, 1954, requested that said special municipal election be consolidated with the state-wide primary election to be held on the 8th day of June, 1954, within The City of San Diego, and that said Board of Supervisors canvass the returns of said special municipal election; and the said Board of Supervisors, by its resolution adopted on the 6th day of April, 1954, ordered the consolidation of said special municipal election with the state-wide primary election of June 8, 1954, within The City of San Diego.

That 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 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 April 15, 1954.

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 29th day of April, 1954, 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 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. 6043 (New Series) to the qualified electors of said City at the special municipal election held in said City on the 8th day of June, 1954.

That upon the completion of the canvass of said special municipal election the County Clerk and ex officio Clerk of the Board of Supervisors of the County 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 6th day of July, 1954; and the Council of said City did, by Resolution No. 119114, adopted July 13, 1954, duly declare the result of said election.

That said Council did by said Resolution No. 119114 declare that the said proposed amendments to the Charter of The City of San Diego designated as Propositions D, E, F, G, H and I were, and each and every one of them was, ratified

by a majority of the qualified electors of said City voting thereon, and that said proposed amendment to said Charter designated as Proposition C received less than a majority of the votes of the qualified electors voting thereon, and was not ratified.

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 D.

Amend Section 54 of Article V of the Charter of The City of San Diego to read as follows:

"Section 54. Harbor Department.

Harbor department

(a) The Mayor, with the approval of the Council, shall appoint three electors of the City as members of the Harbor Commission, one to serve for two years, one for three years, and one for four years. Thereafter, members of the Harbor Commission shall be appointed to serve for four years and until their successors have been appointed and qualified. The members of the Harbor Commission in office at the time this Charter becomes effective shall remain in office until their successors are appointed and qualified. The Council may at any time by a vote of at least five (5) of their members remove from office any or all of said Harbor Commissioners. The members of the Harbor Commission shall serve without pay.

(b) The Harbor Commission is vested with jurisdiction and authority to exercise in the name of The City of San Diego such powers as are prescribed by general laws now in force and hereafter enacted, together with such additional powers and duties as may be prescribed by ordinance, this Charter, or the laws of the United States. The Commission shall have jurisdiction, supervision, management and control of the Bay of San Diego fronting upon The City of San Diego and within the jurisdiction of said City, including all tide and submerged lands, whether filled or unfilled, situated below the line of mean high tide within said bay, except, however, such tide and submerged lands within said bay which have heretofore or which hereafter may be transferred to the exclusive control of the United States, and excepting further such other tidelands as may by vote of the people or act of the State Legislature be transferred to a purpose and use inconsistent with commerce, navigation and fisheries.

(c) The Harbor Commission shall have power to adopt, with the approval of the Council by ordinance, such rules and regulations as may be necessary to exercise and carry

out the powers and duties prescribed by this Charter for said Harbor Commission.

(d) The Harbor Commission, subject to the Civil Service provisions of this Charter, shall appoint a Port Director, together with such other officers, employees and subordinates as may be necessary in the judgment of said Harbor Commission to carry out the duties prescribed by this Charter for said Harbor Commission and for the promotion of commerce, navigation and fisheries. All such offices and employments shall be created by ordinance upon the direct recommendation of the Harbor Commission. The Harbor Commission shall also have authority and power to employ legal counsel whenever in the judgement of said Commission such employment is necessary.

(e) The Port Director shall be the chief administrative officer of the Harbor Commission, and he shall exercise such powers and perform such duties as may be prescribed by the Harbor Commission. In addition to any duties imposed by the Harbor Commission and this Charter the Port Director shall also perform such duties as may be imposed upon harbor masters, port directors and administrative heads of harbors and ports by State or Federal law.

(f) All revenues derived from the tidelands and the operation of San Diego Harbor shall be used exclusively for the purpose of improving the harbor and tidelands fronting thereon, and the maintenance and operation of the Harbor Department.

(g) The Harbor Commission shall have authority to lease tidelands for such terms and upon such conditions as may be authorized by law; provided, however, that no lease of any tidelands within the jurisdiction of the City for a term longer than one year shall be valid unless said lease shall have been confirmed by the Council.

(h) Any municipal air ports now established or which may hereafter be established on the tidelands shall be under the control and supervision of the Harbor Commission until such time as the Council by ordinance shall create a Department of Aviation under the Manager, at which time the Council may provide in such ordinance for the control, regulation and supervision of municipal air ports by the Department of Aviation.

(i) And all matters concerning the development of the Harbor of San Diego in which the Planning Commission of The City of San Diego shall have an interest, and which relate to the planning and zoning of The City of San Diego, shall be referred by the Harbor Commission to the Planning Commission for recommendation before final action is taken thereon. In the event of a disagreement between the Harbor Commission and the Planning Commission concerning such proposed development, the matter shall be referred to the Council, whose decision on such development shall be final."

PROPOSITION E.

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 Director of Building Inspection appointed by the Manager, and such subordinate officers and employees as shall be authorized by ordinance. The Director of Building Inspection 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 Director of Building Inspection and all of his supervisors, inspectors and deputies, shall have the right to enter into any buildings, or enclosures, or upon 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, except that with the permission of the City Manager officers and employees of said Department of Inspection may teach or instruct students or pupils in a regularly established accredited school or college during such times as such teaching or instructing will not interfere with the duties prescribed for their office or employment with The City of San Diego." Department of Inspection

PROPOSITION F.

Amend Section 117 of Article VIII of the Charter of The City of San Diego to read as follows:

"Section 117. Classification. The administrative service of the City is hereby divided into the unclassified and classified service, as follows: Administrative service

The unclassified service shall include all elective positions and the following administrative offices: Unclassified service

Assistant to the Mayor; 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; Director of Mission Bay Park; City Librarian; Chief of Police; Director of Building 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 Service; Officers and Employees of the San Diego Unified School District; Members of all Commissions and Advisory Boards, who serve the City without compensation.

Classified service

The classified service shall comprise all positions not specifically included by this Charter in the unclassified service."

PROPOSITION G.

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 compensated public officers and employees, other than those policemen and firemen who were members of a pension system on June 30, 1946. No employee shall be retired before he reaches the age of sixty-two years and before he has completed ten years of continuous service, except such employees may be given the option to retire at the age of fifty-five years after twenty years of continuous service with a proportionately reduced allowance. Policemen, firemen and full time lifeguards, however, who have had ten years of continuous service may be retired at the age of fifty-five years, except such policemen, firemen and full time lifeguards may be given the option to retire at the age of fifty years after twenty years of continuous service with a proportionately reduced allowance.

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 years, 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."

PROPOSITION H.

Amend Section 143 of Article IX of the Charter of The City of San Diego to read as follows:

"Section 143. Contributions. The retirement system herein provided for shall be conducted on the contributory plan, the City contributing jointly with the employees affected thereunder. Employees shall contribute according to the actuarial tables adopted by the Board of Administration for normal retirement allowances, except that employees shall, with the approval of the Board, have the option to contribute more than required for normal allowances, and thereby be entitled to receive the proportionate amount of increased allowances paid for by such additional contributions. The City shall contribute annually an amount substantially equal to that required of the employees for normal retirement allowances, as certified by the actuary, but shall not be required to contribute in excess of that amount, except in the case of financial liabilities accruing under any new retirement plan or revised retirement plan because of past service of the employees. The mortality, service, experience or other table calculated by the actuary and the valuation determined by him and approved by the board shall be conclusive and final, and any retirement system established under this article shall be based thereon." Contributions

PROPOSITION I.

Add a new Section to the Charter of The City of San Diego, to be numbered Section 143.1, which said section shall read as follows:

"Section 143.1. No ordinance amending the retirement system which affects the benefits of any employee under such retirement system shall be adopted without the approval of a majority vote of the members of said system." Approval by members of system

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 13 day of December, 1954.

(SEAL)

JOHN D. BUTLER
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

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 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 13

Senate Concurrent Resolution No. 6—Approving the charter of the City of Roseville, County of Placer, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1954.

[Filed with Secretary of State, January 10, 1955]

City of Roseville: Approval of charter

WHEREAS, The City of Roseville, in the County of Placer, 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 Roseville for the preparation, proposal, adoption, and ratification of a charter for the government of said City of Roseville, all as set forth in the following certificate of the mayor and city clerk of said City of Roseville, to wit:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF ROSEVILLE IN FRAMING A CHARTER FOR ITS OWN GOVERNMENT

STATE OF CALIFORNIA }
COUNTY OF PLACER } ss.
CITY OF ROSEVILLE }

Certificate

We, the undersigned, Paul J. Lunardi, Mayor of the City of Roseville, County of Placer, State of California, and Raleigh W. Terry, 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 Raleigh W. Terry, was at all the times herein mentioned, the clerk of the legislative body of the city and City Clerk of said City of Roseville; that heretofore and prior to the 28th day of July, 1954, the said City Council of the City of Roseville, did cause to be framed a proposed charter for its own government which was approved by said City Council and filed with the City Clerk of the City of Roseville on the 28th day of July, 1954.

That on the 18th day of August, 1954, at a regular meeting of said City Council of said City, said City Council by resolution No. 905, approved said proposed charter for submission to the electors of the City of Roseville and ordered said proposed charter to be submitted to the electors of the City of Roseville at a Special Municipal election to be held for the purpose of voting upon said proposed new charter of the City of Roseville on the 2nd day of November, 1954 and the City Clerk was directed to cause said proposed new charter to be published upon the 7th day of September, 1954, in the Roseville Press-Tribune and in each edition thereof during the said day of publication, which paper is a newspaper of general circulation, printed and published in the City of Roseville and is the official newspaper of said City and the City Clerk was further directed to advertise in each issue of the said Roseville Press-Tribune, until the day fixed for election upon such charter, a notice that copies thereof may be had upon application therefor to the City Clerk.

That said proposed charter was published pursuant to said order in said Resolution No. 905 in said newspaper and in each edition thereof during the publication on the 7th day of September, 1954 in said newspaper being of general circulation in said City of Roseville; that the date set for the submission to the electors of said proposed charter, to-wit: November 2, 1954, was not less than forty days nor more than sixty days after the completion of the advertising in said official paper.

That until the day fixed for the election there was advertised in the Roseville Press-Tribune, a newspaper of general circulation, printed and published in the City of Roseville, a notice that copies of said charter were available in the office of the City Clerk of the City of Roseville and could be secured upon application therefor at said office; that such copies were available.

That the population of said City of Roseville is more than 3,500 and less than 50,000 inhabitants as ascertained by the last preceding census taken under the Authority of Congress of the United States.

That on the 18th day of August, 1954, at a regular meeting of said City Council of said city, said City Council by resolution No. 906, ordered that the following proposition shall be placed upon the ballot "Shall the Proposed New Charter of the City of Roseville, heretofore and upon the 28th day of July, 1954, approved by the Council of the City of Roseville, be adopted to supersede the existing Charter of the City of Roseville?" and said City Council by said Resolution No. 906 requested the Board of Supervisors of the County of Placer to consolidate said special municipal election for the submission of said proposed charter to the electorate of the City of Roseville on the 2nd day of November, 1954, with the general election to be held in the County of Placer and City of Roseville upon said date, and the City

Clerk of the City of Roseville to file a copy of said Resolution with the said Board of Supervisors of Placer County; that the said City Clerk filed said resolution with said Board of Supervisors on the 23rd day of August, 1954.

That on the 23rd day of August, 1954, the Board of Supervisors of Placer County by Resolution, ordered the consolidation of the Special Municipal Election set by the City of Roseville for November 2nd, 1954, for the purpose of voting on said proposed charter, consolidated with the general election to be held in the City of Roseville and County of Placer on the 2nd day of November, 1954.

That said consolidated election was duly and regularly called and held on the 2nd day of November, 1954.

That at said election a majority of the qualified voters of the City of Roseville, voting thereon, voted in favor of said proposed charter and for the ratification and adoption thereof.

That on December 15, 1954, the City Council of the City of Roseville received a certification from the County Clerk of Placer County, duly certified by Lillian Rechenmacher, the County Clerk of Placer County, certifying that the Supervisors of Placer County, canvassed the ballots of the said election held on November 2nd, 1954 in the manner and in accordance with the law and duly found, determined and declared that a majority of said electors of the City of Roseville, voting thereon, had voted in favor of said proposed charter for the City of Roseville 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 Roseville, voting thereon as follows, to-wit:

Votes in favor of the Adoption and Ratification of said proposed Charter	2061
Votes against the adoption and ratification of said proposed Charter	1254

That the City Council of the City of Roseville, at a regular meeting held on the 15th day of December, 1954, after determining that said election was held in accordance with the existing Charter of the City of Roseville and in accordance with the laws of the State of California, by resolution, directed the City Clerk of Roseville to file the said certification of said election in the official records of the City of Roseville in the City Clerk's office in the City Hall.

That said election was held in accordance with the existing Charter of the City of Roseville 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 is in the words and figures following, to-wit:

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THE CHARTER OF THE CITY OF ROSEVILLE PREAMBLE:

We the people of the City of Roseville, 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, Succession, and Powers

Section 1.01. Corporate Name; Seal: The municipal corporation now existing and known as the City of Roseville shall remain and continue a body politic and corporate in name and in fact, by the same name. The city may have and use a common seal, and alter the same at its pleasure. Name, seal

Boundaries

Section 1.02. Boundaries: The boundaries of the City of Roseville shall continue as now established until changed in the manner authorized by law.

Transition from non-charter to charter city

Section 1.03. Rights and Liabilities: The City of Roseville 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. The city shall be subject to all the liabilities that now exist against the municipal corporation.

Section 1.04. Continuance of 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.

Section 1.05. 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, may in the discretion of the Council, 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.

Section 1 06. Continuance of 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.

City powers

Section 1.07. Powers of the City: The city shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject 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 right, 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 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.

Article II. Plan of Government

Form of government

Section 2.01. Form of Government: The intent of this charter is to adopt the council-manager form of government.

City council

Section 2.02. Elective Officers: The electors of the City shall elect a Council of five (5) members, at large, for a four (4) year term of office. The Council shall constitute the legislative and governing body of the city and shall have authority except as otherwise provided in this charter, to exercise all powers of the city, and to adopt such ordinances and resolutions as may be proper in the exercise thereof. The Mayor and members of the City Council 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. Two (2) Councilmen shall be elected at the general municipal election in 1956, three (3) Councilmen at the general municipal election in 1958, and the above numbers of Councilmen shall be elected alternately at the general municipal election each even numbered year thereafter. The electors shall also elect a Board of Education as provided for in Article XI of this charter.

Termination of existing offices

Section 2.03. The terms of office of the existing City Clerk, City Treasurer, and Chief of Police shall terminate at the time of approval of this charter by the Legislature and they shall have the privilege of continuing to hold their respective offices as appointive officials, receive their existing rates of compensation, and discharge their duties as provided later in this article.

Mayor and council

Section 2.04. The Mayor and Council: The Council shall assume office, subject to the qualifying provisions of this charter, from and after twelve o'clock noon on the Monday next succeeding the day of their election. The Council shall hold its first meeting at that time and shall proceed to elect one of its members Mayor and another as Mayor Pro Tempore whose terms of office shall commence upon their election and continue until the election and qualification of their successors following the next general municipal election.

Powers and duties of mayor

Section 2.05. The Mayor shall be the official head of the city government for purposes of ceremony and as the presiding officer at meetings of the Council, in which meetings he may speak and vote as any other councilman. He shall not have the power of veto or regular administrative duties and shall exercise such powers, and only such powers, as shall be specifically conferred or required by law. He shall be recognized as the official head of the city by the courts for the purpose of serving civil processes and by the Governor for military purposes. He may, in an emergency, of which he shall be the sole judge, and upon publicly proclaiming a state of emergency, temporarily assume command of the city's public safety forces and command the assistance of able-bodied citi-

zens to aid in the enforcement of law and the suppression of disorder.

Mayor pro tempore

Section 2.06. In the temporary absence or disability of the Mayor, the Mayor Pro Tempore shall exercise the duties and prerogatives of the Mayor. The Mayor shall, whenever possible, notify the City Clerk of his intended absence from the city and shall in every instance notify the Clerk at the time he reassumes his duties In the event both the Mayor and Mayor Pro Tempore are unable to perform their duties, the Council may appoint one of its members to act only as chairman of a meeting.

City attorney

Section 2.07. City Attorney: The Council shall appoint a City Attorney to serve at its pleasure. The Attorney shall act as legal advisor to and counsel for the Council and Manager in matters relating to their official duties. He shall represent the city in litigations in which the city is interested; shall provide written legal opinion on official matters when requested by the Council or Manager; shall review for legal correctness contracts, bonds, franchises, and other instruments in which the city is concerned, and perform such other duties as may be prescribed for him by ordinance, by administrative code, or otherwise by law.

City manager:

Section 2.08. City Manager: The Council shall appoint a chief administrative officer of the city government who shall be entitled City Manager, and who shall serve at the pleasure of the Council. The Council shall select the first Manager within one hundred twenty (120) days after approval of this charter by the Legislature. Thereafter as a vacancy occurs in this position, the Council shall select a Manager within ninety (90) days from the time such vacancy occurs. The Manager shall be selected on the basis of his training, experience, and other administrative qualifications for the office, and without regard to his political or religious preferences or his place of residence at the time of appointment; provided that the Manager or Managers employed for the first two years after the effective date of this charter shall each have had at least two (2) years of experience in public management in an established Council-Manager city government either as a Manager or as Assistant to the Manager. No Councilman shall be eligible for the position of Manager within two (2) years after the expiration of his latest councilmanic term.

Vacancy

Section 2.09. The Council may designate a qualified administrative officer of the city to assume the duties and authority of Manager during periods of vacancy in the office or during temporary absences or disability of the Manager.

Council-manager relationships

Section 2.10. Council-Manager Relationships: The Manager shall be responsible to the Council for the administration of all units of the city government under his jurisdiction and for carrying out policies adopted by the Council. Except for the purpose of inquiry, authorized by the Council, the Council and its members shall deal with administrative officers and employees solely through the Manager.

Powers and duties

Section 2 11. Manager's Duties and Authority: The Manager shall supervise the administrative affairs of the city. He shall be charged with the preservation of the public peace and health, the safety of persons and properties, the enforcement of law, and the development and utilization of the city's resources. He shall keep the Council informed of the condition and needs of the city and shall make such reports and recommendations as he may deem desirable and perform such other duties as may be prescribed by this charter or required of him by ordinance or resolution of the Council not inconsistent with this charter. He shall have the right to take part in the discussion of all matters coming before the Council but not the right to vote.

Appointment of administrative officers, employees

Section 2.12. The Manager shall have the power to appoint and remove, subject to the provisions of this charter, all administrative officers and employes of the city; or may, at his discretion, authorize the head of a department or office responsible to him to appoint and remove subordinates in such department or office. The Manager shall appoint a City Clerk, a City Treasurer, and such other heads of administrative offices, organization units and activities as he may deem necessary. The Manager may combine, or personally hold, any such administrative offices herein or otherwise established, or may delegate parts of the responsibilities of the Manager's office to designated subordinates.

City treasurer

Section 2.13. Treasurer. The City Treasurer shall have such duties as may be prescribed by the Manager and shall be responsible for the custody of all moneys and evidences of value belonging to the City, or held in trust by the City. He shall receive and give a receipt for all money due the city including that which may be collected by other city officials or employees. He shall keep, deposit and disburse all city funds in accordance with law. He shall have such powers and duties in regard to the collection, custody, and disbursement of funds belonging to other political subdivisions of the state as may be conferred upon him by law.

City clerk

Section 2.14. Clerk: The City Clerk shall be responsible to and have such duties as may be prescribed by the Manager and shall attend and keep a permanent journal of proceedings at all meetings of the Council. He shall record and certify all Council ordinances and resolutions. He shall be custodian of the city seal and official city records, the custody of which is not otherwise provided for by Council ordinance or administrative order of the Manager. He shall be the chief elections official of the city and shall prescribe and may furnish the forms for all petitions provided for by this charter. He shall have the power to administer oaths of office.

Advisory boards

Section 2.15. Advisory Boards: The Council shall by ordinance create a Planning Advisory Board, a Library Advisory Board, and may create such other boards advisory to the Council and Manager with respect to specific municipal functions as it may deem necessary prescribing in each case the

number, manner of appointment, length of term, and advisory duties of members of such boards who shall serve without compensation but may be reimbursed for necessary expenses incurred in the performance of their official duties. Boards and Commissions existing at the time this charter is approved by the Legislature shall continue to serve until action is taken by the Council as provided for in this charter.

Administrative organization

Section 2.16. Administrative Organization: Within the framework established by this charter, the administrative organization of the city shall be set forth in administrative directives which shall be developed by the Manager and be submitted to the Council for their approval. These directives shall become effective unless they are modified by the Council within thirty (30) days after their submission by the Manager, provided that administrative offices may be created by the Council only upon recommendation by the Manager. The same procedure shall govern amendment of such administrative directives.

Article III. Provisions Regarding Officers and Employees

Eligibility for office

Section 3.01. Eligibility for Office: Only United States citizens may be officers of the city and only registered qualified electors who have been residents of the city or any territory legally annexed thereto for at least two (2) years immediately preceding the date of election shall be eligible to an elective city office. No person who is in default to the city shall assume the office to which he has been elected or appointed until he has corrected such default.

Oath, bond

Section 3.02. Oath of Office and Bond: Every elective officer, the City Manager, and every department head of the city, before assuming the duties of his office, shall take and subscribe to the constitutional oath of office. Each of these officers of the city shall provide such bonds for faithful performance of their duties as may be required by law. The required oaths and bonds shall be filed with the City Clerk; provided that the oath and bond required of the City Clerk, if any, shall be filed with the City Treasurer. All such bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city.

Surety bonds

Section 3.03. Surety Bonds: All city officers or employees receiving, disbursing, or responsible for city funds shall be bonded. The Council may require any officer or employee to give a bond, conditioned upon the faithful and proper performance of the duties of his office or employment, and approved by and in such amount as the Council shall determine. All such bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. No such bond shall be issued for a term exceeding four (4) years. No bond required by this section shall be renewed upon its expiration or in the event of the reappointment of any officer or employee to a position for which a bond is required, but a new bond shall be

furnished. The resignation, removal, or discharge of any officer or employee of the city shall not, nor shall the election or appointment of another to his office or employment, exonerate such officer or employee or his sureties from any liability incurred by him or them. Nothing in this section shall prevent the Council from authorizing the furnishing of a blanket position bond to assure the honesty or faithful performance of any of its officers or employees.

Financial interest prohibited

Section 3.04. Financial Interests Prohibited: City Officers shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members; nor shall they be purchasers at any sale, or vendors at any purchase, made by them in their official capacity. No employee of the city shall be financially interested in any contract, sale, purchase, lease or transfer of real or personal property to which the City is a party. Any contract, sale or transaction made in violation of this section may be voided at the instance or any party except the officer or employee interested therein. Upon conviction of violating any provision of this section, the person convicted shall forfeit his office or employment and be forever disqualified from holding any office or employment in the City, in addition to any other penalties which may be imposed by law for such violation.

Compensation of officers and employees

Section 3.05. Compensation of Officers and Employees: Each Councilman shall be compensated at the rate of ten dollars ($10) per Council meeting attended, but the maximum amount of compensation in any month shall not exceed thirty dollars ($30). The Mayor shall receive, in addition to his compensation as a Councilman, thirty dollars ($30) per month, not subject to audit, to defray miscellaneous official ceremonial expenses. Councilmen may upon order of the Council, be reimbursed for reasonable and necessary expenses actually incurred in the service of the city.

Compensation of manager and attorney

Section 3.06. The rates and other terms of compensation of the City Manager and the City Attorney, shall be fixed by the Council. Except as otherwise provided in this charter the compensation of all officers and employees of the city shall be fixed by the Manager within the limits of budget appropriations and in accordance with a comprehensive pay plan adopted by the Council.

Compensation in lieu of all other fees, etc

Section 3.07. The compensation of officers and employees as fixed or otherwise provided for by this charter shall be in full payment for all official services of such officers or employees, and shall be in lieu of any and all fees, commissions, and other compensation which may be receivable by such officers in the performance of the duties of their offices; such fees, commissions, and compensations shall belong to the city, be collected and accounted for by such officers, and be paid over to the Treasurer.

Welfare benefits

Section 3.08. Employee Welfare Benefits: The Council may provide for the retirement of the city's nonelective officers and employees and make available to them any group life,

hospital, health or accident insurance, either independently of, or as a supplement to, any retirement or other employee welfare benefits in effect at the time of approval of this charter by the Legislature or otherwise provided by law.

Councilmanic vacancies

Section 3.09. Councilmanic Vacancies: The provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy. If a councilmanic office becomes vacant, the Council shall, within thirty (30) days thereafter, proceed to appoint a person to fill such vacancy for the unexpired term of office, such appointment to be effective only upon the affirmative vote of a majority of all the remaining members of the Council.

Recall

Section 3.10. Recall: The holder of any elective office, whether elected or appointed thereto, may be removed therefrom by recall in the manner prescribed by the constitution and general laws of the state.

Separation from office

Section 3.11. Separations from Office: All books, documents, and other personal property purchased by the city and all records, documents, and other papers prepared by officials in the discharge of their duties shall be and remain the property of the city. The Council shall prescribe by ordinance appropriate procedures with respect to resignations of officers and employees and with respect to the orderly transfer of records, assets, and other effects in the custody of such officers and employees, to their successors or supervisors.

Article IV. Procedure of the City Council

City council procedure Regular meetings

Section 4.01. Regular Meetings: The Council shall hold regular meetings on the first Wednesday after the first Monday of each month; provided that, if a regular meeting date falls on a legal holiday, the meeting shall be held the following day. It shall provide by resolution for the time of day and place of its meetings.

Special meetings

Section 4.02. Special Meetings: Special meetings may be called by the Clerk on the written request of the Mayor, the Manager, or any three councilmen by providing each councilman with twenty-four hours' written notice served personally or left at his usual place of residence. Business transacted at any special meeting shall be limited to the subjects recited in the notice of such meeting unless all councilmen are present, in which case any business which might lawfully come before a regular meeting may be transacted.

Open to public

Section 4 03. Meetings to be Public: All Council meetings shall be open to the public and citizens shall have a reasonable opportunity to be heard.

Quorum

Section 4.04. Quorum: Three councilmen shall be a quorum for the transaction of business at Council meetings except as otherwise herein provided, but in the absence of a quorum, a lesser number may adjourn the meeting to a later date.

Attendance, conduct

Section 4.05. Attendance and Conduct at Meetings: The Council may, by vote of not less than two of its members, enforce orderly conduct and compel the attendance of its members and other city officers at its meetings. Any member of the Council or other officer of the city who refuses to attend such meetings or conducts himself in a disorderly manner thereat shall be deemed guilty of misconduct in office. Upon Council request the Manager shall designate a police official or officer to serve as the sergeant-at-arms of the Council.

Council rules

Section 4.06. Council Rules: The council shall determine its own rules and order of business subject to the following provisions. There shall be a journal of proceedings of all Council meetings signed by the Mayor and Clerk and to which the public shall have access at all reasonable times. Within seven (7) days after any regular or special Council meeting, a copy of the journal of proceedings shall be posted on a bulletin board in the city hall. A vote upon all ordinances and resolutions shall be taken individually by a "Yea" and "Nay" vote and entered upon the journal, except that where the vote is unanimous it shall be necessary only to so state. There shall be no standing committees of the Council.

Article V. Legislation

Legislation Form

Section 5.01. Form of Legislation: All legislation of the city carrying a penalty for its violation or appropriating money shall be by Council ordinance Each ordinance shall relate to a single subject, which shall be expressed in its title, and upon passage shall be further identified by a number. The enacting clause of all ordinances shall be "The City of Roseville ordains;" Other acts, statements, or decisions of the Council reflecting the opinion or will of the Council may be adopted by motion or resolution.

Enactment, etc

Section 5.02. Enactment, Amendment, and Repeal of Ordinances: Ordinances may be enacted, amended, or repealed by the affirmative vote of not less than three councilmen, except that when an ordinance is given immediate effect, Section 5.03 of this charter shall govern Unless by the affirmative vote of not less than three councilmen, no office shall be created or abolished, no tax or assessment be imposed, no street, alley, or public ground be vacated, no real estate or any interest therein be sold or disposed of, no private property be taken for public use, nor any vote of the Council be reconsidered or rescinded, nor any money appropriated except as otherwise provided by this charter. Except in the case of ordinances which are declared to be emergency ordinances, no ordinance shall be finally passed by the Council until two (2) weeks after the meeting at which the ordinance is introduced. At least the title and a summary of the ordinance as introduced shall be published in a newspaper of general circulation in the city at least one week before final passage, either separately or as part of any published proceedings of the Council. No ordi-

nance shall be amended by reference to its number and title only, but the section or sections of the ordinance amended shall be reenacted and published in full in a newspaper of general circulation in the city. An ordinance may be repealed in total by reference to its number and title only and publication of the action may be similarly limited.

Effective date of ordinances

Section 5.03. When Ordinances Take Effect: The effective date of all ordinances shall be prescribed therein, but the effective date shall not be earlier than thirty (30) days after their enactment nor before publication thereof, except that ordinances immediately necessary for the preservation of the public peace, health, or safety may be given earlier effect by the affirmative vote of not less than three councilmen if three or four councilmen are present at the meeting, and by the affirmative vote of not less than four councilmen if five councilmen are present at the meeting. In case an ordinance is given effect earlier than thirty (30) days after its enactment, all requirements for publication may be met by posting copies thereof in conspicuous locations in three public places in the city, and the Clerk shall, immediately after such posting, enter in the Ordinance Book under the record of the ordinance a certificate under his hand stating the time and place of such publication by posting, which certificate shall be conclusive evidence of the due publication and posting of the ordinance.

Publication

Section 5.04. Publication of Ordinances: Each ordinance passed by the Council shall be published in full at least once within fourteen (14) days after its adoption in a newspaper of general circulation in the city, either separately or as a part of any published proceedings of the Council provided that this section shall not apply to emergency ordinances provided for in Section 5 03 and technical codes provided for in Section 5.05 of this charter. All ordinances and their amendments shall be recorded by the Clerk in a book to be called "The Ordinance Book," and it shall be the duty of the Mayor and Clerk to authenticate such records by their official signatures.

Technical codes

Section 5.05. Technical Codes: The Council may adopt in whole or in part any provision of state law or any detailed technical regulations as a city ordinance or code by citation of such provision of state law or by reference to any recognized standard code, official or unofficial, provided that any such provision of state law or recognized official or unofficial standard code shall be clearly identified in the ordinance adopting the same as an ordinance of the city. Where any recognized official or unofficial standard code is so adopted in whole or in part, it may be published by filing three (3) copies of the law or code in the office of the Clerk, and the publication of revised or altered sections shall be in the manner prescribed in this charter for the adoption of other ordinances. Any subsequent amendment to or revision of such adopted law or code or detailed technical ordinance may be adopted and published in the same manner.

Violations

Section 5.06. The Council may provide in any ordinance penalties for its violation. Penalties for the violations of city ordinances shall not exceed those permitted by state law.

Permits to use streets, etc

Section 5.07. Ordinances Granting Permits to Use the Streets or Other Public Places: Every ordinance granting any franchise or permit or right to occupy or use the streets, highways, bridges, or other public places in the city for any purpose shall be complete in the form in which it is finally passed and shall be published in a newspaper of general circulation at least once not less than thirty (30) days prior to its final passage in the exact form published. No exclusive permit or grant of right to occupy or use the streets, or public places of the city shall ever be granted.

Compilation and codification

Section 5.08. Compilation and Codification of Ordinances: The Council shall, within one year after the adoption of this charter, cause any or all properly enacted and unrepealed ordinances of the City to be compiled, consolidated, revised, indexed and arranged, including such restatements and substantive changes as are necessary for clarity, in a comprehensive ordinance code. Such code may be adopted by reference by passage of an ordinance in the same manner as other ordinances of the City. Such code need not be published in the manner required for other ordinances, but not less than three (3) copies thereof shall be filed for use and examination by the public in the Office of the City Clerk prior to the adoption thereof. Subsequent amendments to the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Initiative and referendum

Section 5.09. Initiative and Referendum: Ordinances may be initiated, or the referendum exercised on ordinances passed by the Council in accordance with the provisions of the general laws of the state as the same now exist or may hereafter be amended applicable to cities of the sixth class.

Planning, subdivision, etc., ordinances

Section 5.10. Planning, Subdivision, and Zoning Ordinances: The Council shall, within six (6) months after the date of approval of this charter by the Legislature, enact ordinances providing for the establishment of the Planning Advisory Board, and shall require the Manager and the Planning Advisory Board to submit, as soon as practicable, recommendations for changes in existing ordinances which they may deem desirable with respect to planning, subdivision control, zoning, and related matters.

Construction, severability

Section 5.11. Rules of Ordinance Construction; Severability: Ordinances passed by the Council are declared to be severable. If any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not effect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided that such remaining portions are not determined by the court to be inoperable.

Article VI. Elections

Elections General and special

Section 6.01. General and Special Municipal Elections: General municipal elections for the election of officers and for such other purposes as the Council may prescribe, shall be held in the city on the second Tuesday in April of each even numbered year, commencing with the year 1956. 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 6.02. 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.

Article VII. Fiscal Administration

Fiscal administration: Fiscal year

Section 7.01. Fiscal Year: The fiscal year of the city shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Budget procedure

Section 7.02. Budget Procedure: The Manager shall prepare and shall recommend a budget for the ensuing fiscal year to the Council on or before the first regular meeting in May. The budget document shall present a comprehensive financial plan for the ensuing fiscal year, including at least the following information:

a. Detailed estimates of all proposed expenditures for each department and office of the city, showing in addition the expenditures for corresponding items for the last preceding fiscal year, appropriations and anticipated expenditures for the current fiscal year, and reasons for recommended departures from the current expenditure pattern;

b. Statements of the bonded and other indebtedness of the city, including the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds;

c. Detailed estimates of all anticipated income of the city from sources other than taxes and borrowing, with a comparative statement of the amounts received by the city from each of such sources for the last preceding fiscal year and the amounts expected to be received for the current fiscal year;

d. A statement of the estimated balance or deficit, as of the end of the current fiscal year;

e. An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with income from other sources, will be necessary to meet the proposed expenditures;

f. Such other supporting schedules as the Council may request, or are otherwise required by law.

Review, hearings, etc

Section 7.03. Budget Review, Hearings, and Adoption: After review of the budget recommended by the Manager, the Council shall make such revisions as it may deem advisable and shall set the time for holding a public hearing thereon. Not less than ten (10) days prior to said public hearing, the Council shall cause to be published a notice thereof in a newspaper of general circulation in the city. Copies of the proposed budget shall be available for public inspection in the office of the Clerk for a period of at least ten (10) days prior to said hearing.

Section 7.04. At the time 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 citizens desiring to be heard shall be given such opportunity.

Section 7.05. 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 on or before June 30, it shall adopt the budget with revisions, if any, by the affirmative votes of at least three members. Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy thereof, certified by the Clerk, shall remain on file in the office of the Clerk where it shall be available for inspection.

Appropriations, transfers

Section 7.06. Appropriations; Transfers: 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 expended or lawfully encumbered, except as provided later in this section and in Sections 7.07 and 7.08.

No money shall be drawn from the city treasury nor shall any obligation for the expenditure of money be incurred, except pursuant to the budget appropriation. The Council, may by ordinance adopted by the affirmative vote of at least three members transfer any unencumbered appropriation balance or any portion thereof, from one department, fund, or agency to another or appropriate available revenue not included in the budget.

Special funds Cash basis revolving fund

Section 7.07. Special Funds: The Council may, by ordinance, establish a Cash Basis Revolving Fund for the purpose of placing the payment of the running expenses of the city on a cash basis in any fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the Council to said fund from surpluses in other funds or may be appropriated to said fund in the annual budget. Transfers may be made by the Council from said fund to any other fund or funds with the objective of keeping the city's operations, as nearly as possible, on a cash basis.

Utility reserve fund

Section 7.075. Utility Reserve Fund: The Council shall annually set aside from the income derived by the City from

its revenue producing public utilities, as a separate utility reserve fund for each of said public utilities, a sum which, according to the estimate of the Department Heads and City Manager, and approved by the Council, shall be sufficient to meet the normal depreciation of said public utility. Such funds shall be used only for the maintenance, replacement, and betterment of said existing facilities of public utilities respectively and for no other purpose.

Capital outlay funds

Section 7.08. The Council shall, by ordinance, establish capital outlay funds for specified capital improvement purposes, and such other special funds as it may deem necessary. The Council may levy and collect taxes for such purposes, but shall not, in making such a levy, exceed the maximum tax rate provided for in this charter unless authorized by the affirmative votes of a majority of the electors voting on the proposition at any regular or special election at which such question is submitted. The Council may transfer to any such fund any unencumbered surplus funds on hand at any time.

Such special funds, created by or supplemented with tax revenues upon which a vote of the electors has been required, shall remain inviolate for the purposes for which they were created unless the use of such funds for some other purposes is authorized by the affirmative vote of a majority of the electors voting thereon on such proposition at a general or special election. Any unexpended and unencumbered surplus remaining in such special funds after the purpose for which the special fund was created has been accomplished may be transferred by the Council to its general funds or to other special funds.

Tax system

Section 7.09. Tax System; Limits: The Council shall, by ordinance, provide a system for the assessment, levy, and collection of city taxes upon property. The Council may, in its discretion, authorize the officers of Placer County to perform any functions for the city relating to the assessment of property, the collection of taxes, the collection of assessments levied for municipal improvements, the sale of property for nonpayment of taxes or special assessments, and the redemption of property from sales.

If the Council fails to fix the rate and levy taxes on or before August 31, 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.

Tax limits

Section 7.10. Exclusive of special levies permitted by this charter, the Council shall not levy a property tax in excess of one dollar and thirty cents ($1.30) 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 a majority 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 authorized 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 on all bonds or judgements 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 employees' retirement system, if any, due and unpaid or to become due during the ensuing fiscal year.

Special assessments for local improvements shall be levied in the manner prescribed by state law.

Power to incur indebtedness

Section 7.11. Power to Incur Indebtedness: The bonded indebtedness of the city may not in the aggregate exceed the sum of fifteen (15%) percent of the total assessed valuation of property within the city, with the exception of any indebtedness that has been or may hereafter be incurred for the purposes of acquiring, constructing, extending, replacing, or maintaining municipally owned utilities, for which purposes a further indebtedness may be incurred by the issuance of bonds, subject as to amount only to the provisions of the constitution and laws of the State of California.

The Council may, after authorization by the affirmative vote of a majority of the electors voting on the proposition at any regular or special election issue revenue bonds or any other evidence of indebtedness authorized by state law. Neither such revenue bonds, nor the interest accruing thereon, shall be, or evidence, indebtedness of the city. Such bonds, and the interest accruing thereon, shall be a charge upon, and payable solely from the revenues derived from the operation of such works, facilities or property, and shall not be a charge, lien, encumbrance, legal or equitable, upon, nor shall any recourse on account thereof be had against any other property of the city or upon or against any other income, receipts, revenues or funds of the city, 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 any taxing power of the city

Bonds Advertisement and sale

Section 7.12. Advertisement and Sale of Bonds: All bonds to be sold by the city shall be advertised for sale at least once in a newspaper of general circulation in the city and in such financial journals as may be deemed necessary to stimulate competitive bidding, at least fifteen (15) days before the bond sale and in the manner required by state law. Bonds shall not be sold for less than par and accrued interest.

Preparation and record

Section 7.13. Preparation and Record of Bonds: Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer of the city to use the proceeds thereof for any other purpose, and any officer of the city who shall violate this provision shall be deemed guilty of misconduct of office. All bonds and other evidences

of indebtedness issued by the city shall be signed by the Mayor and countersigned by the Clerk, under the seal of the city. The Manager shall be responsible for establishing and maintaining a complete and detailed record of all bonds and other evidences of indebtedness issued by the city. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "Cancelled."

Unissued bonds

Section 7.14. Unissued Bonds: If any bonds are not sold within three (3) years after authorization, such authorization shall, with respect to such bonds, be null and void, and such bonds shall be cancelled.

Budget control

Section 7.15. Budget Control: At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the Manager shall submit to the Council data showing the relation between the estimated income and expenses and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income.

Depository

Section 7.16. Depository: The Council shall designate a depository or depositories for city funds and shall provide for the regular deposit of all city moneys The Council shall require such security for city deposits as it deems desirable and as authorized or permitted by law, except that personal surety bonds, of themselves, shall not be deemed proper security.

Presentation of demands

Section 7.17. Presentation of Demands: Each demand against the City shall be presented to the City Clerk. The procedure for processing demands shall be established by the Council by ordinance. If a demand is one for an item included within an approved budget appropriation, it shall require the approval of the Manager, otherwise it shall require the approval of the Council. Any person dissatisfied with the refusal of the Manager to approve any demand, in whole or in part, may present the same to the Council, which, after examining into the matter may approve or disapprove the demand in whole or in part.

Actions against city

Section 7.18. Actions Against the 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. All claims for damages against the city must be verified. 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 against the city for damages must be presented to the City Clerk within ninety (90) 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 (90) 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 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.

Independent audit

Section 7.19. Independent Audit: The Council shall provide for a running audit of all accounts and books of the city by a firm of certified public accountants who are in no other way connected with the city government. Such accountant or accountants shall be employed at the beginning of the fiscal year for a minimum of two (2) years and a maximum of four (4) years. The accountant or accountants so employed shall, at least quarterly, examine 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 and agencies of the city government as the Council may require. Such accountant or accountants, on his or their own initiative shall be privileged to make such examinations as he or they may deem necessary or desirable at any time during the period employed. A comprehensive audit shall be made covering each fiscal year; such audit report shall be submitted to the Council and shall be open to public inspection.

Purchasing and contracts

Section 7.20. Purchasing and Contracts: Except as otherwise provided in this charter, the Manager shall be responsible for all city purchasing, but he may delegate his responsibility to any subordinate appointed by him.

Bids required

Section 7.21. Competitive prices or bids for all purchases and public works and improvements performed by contract shall be obtained where practicable and the purchase made from, or the contract awarded to, the lowest and best responsible bidder; provided, that the Council may waive the bidding requirements prescribed in this section in the purchase of non-competitive items. Sealed bids shall be asked for in all transactions involving the expenditure of one thousand dollars ($1,000.00) or more, and the transaction evidenced by written contract submitted to and approved by the Council. The Council may reject any and all bids. In all transactions where sealed bids are required, the Council shall demand a deposit by each bidder in the form of a certified check or bid bond in an amount not less than five (5%) percent of the total bid, which amount shall be specified in the call for bids. The Council shall require a faithful performance or surety bond of the successful bidder. Calls for sealed bids shall be published in a newspaper of general circulation of the city, not less than five (5) days before the deadline for submisson of bids, unless the Council declares by resolution that an emergency exists. Detailed purchasing and contract award procedures shall be prescribed by ordinance.

Bids not required

Section 7.22. The Council may, without competitive bidding, enter into a contract with other public jurisdictions established by law, for furnishing goods or services to the city or its inhabitants, or for furnishing, goods or services by the city to such public jurisdictions or their inhabitants, or for furnishing goods and services jointly to the inhabitants of the city and the inhabitants of other such public jurisdictions, subject to such restrictions and limitations as may be prescribed by state law.

Performance of work, etc., by city forces on contract

Section 7.23. The Council shall determine which public works or improvement projects are to be performed by city forces and which are to be let by contract in the manner prescribed in this article.

Legal form

Section 7.24. All contracts shall be approved as to legal form by the Attorney.

Article VIII. Personnel Administration

Personnel board Members

Section 8.01. Personnel Board: A Personnel Board consisting of three (3) resident and qualified voters shall be appointed by the City Council for six year over lapping terms of office. The members of the Personnel Board holding office at the time this charter is approved by the Legislature shall continue to serve until their terms of office expire. Vacancies shall be filled by the Council by appointment for the unexpired portion of the term. A member of the Personnel Board shall be removed from office by the City Council only for malfeasance, misfeasance, or nonfeasance and after charges have been filed and such member has been given a reasonable opportunity to defend himself in an open public hearing before the Council. The board shall provide for its own organization and rules for the conduct of meetings; provided, that all meetings shall be public. Two members shall constitute a quorum. Members of the board shall serve without pay, but shall be entitled to actual and reasonable expenses incurred outside of the city in the performance of their duties.

Powers and duties

Section 8.02. Powers and Duties of the Personnel Board: The Personnel Board shall have the power and shall be required:

a. To advise the Council and administrative officials on all matters relating to personnel administration in the city service.

b. To review all personnel rules developed by the Personnel Officer, propose revisions thereto, and submit them to the Council with recommendations for adoption.

c. To investigate any or all matters relating to conditions of employment in the service of the city, either in response to employee complaints or on its own initiative, and report its findings to the Council.

d. To investigate and pass upon the claim of any person whose name appears on an eligible list, that he has been

deprived of a position to which he is entitled under the provisions of this charter and the personnel rules governing the classified service in which case the decision of the board shall be binding on the appointing authority.

e. To hear appeals from any action suspending for more than thirty (30) days, reducing in rank or pay, or discharging any employee in the classified service and to report its findings and decisions in writing to the appointing authority; such findings and decisions shall be final and binding on the appointing authority.

f. To subpoena witnesses and administer oaths.

g. To review, annually, the compensation plan for employees within the classified service and present its recommendations for salary adjustments to the Manager and the Council.

Personnel officer

Section 8.03. Personnel Officer: The Personnel Officer shall be appointed by the Manager He shall be responsible for directing the personnel program of the city in accordance with the provisions of this charter and ordinances supplemental thereto. The Council, upon recommendation of the Manager or the Personnel Board, may contract with other political subdivisions of the state, or with any state department, or with any experienced private agency for the furnishing of personnel, fiscal, or other consultive services.

Rules

Section 8.04. Personnel Rules: It is the intention of this article to provide for a merit system of employment in the city service. The Council shall, upon recommendation of the Personnel Board, enact by ordinance a set of rules governing municipal employment which shall among other things provide:

a. For the classification of all positions in the classified service.

b. For open, free, and competitive examinations to test the relative fitness of applicants for such positions, and for reasonable publication and public advertisement of all examinations.

c. For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing on the examination and for the certification of those on the appropriate list to the Manager or department heads for appointment to fill vacancies and for the manner in which appointments shall be made from such list.

d. For the period of time in which eligible lists shall continue in effect.

e. For promotion based upon competitive examinations or records of efficiency, character, conduct, and seniority, or upon examination and record.

f. For a period of probation not to exceed one year, both on original and promotional appointments, before the appointment is made permanent, during which time, in the case of an original appointment, the probationer may be discharged, or, in the case of a promotion, returned to a position in his former

classification by the head of the department or office in which employed.

g. For the rejection of candidates or eligibles who fail to comply with reasonable requirements in regard to age, residence, sex, and physical condition, or who have been guilty of crime or of infamous or disgraceful conduct, or who have attempted any deception or fraud in connection with an examination.

h. For the employment without examination of temporary employees, in cases of emergency pending appointment from an eligible list, but no such temporary employment shall continue after the establishment of an eligible list for the position held.

i. For transfer from one position to a similar position in the same class and grade, for reinstatement within two years of persons who without fault or delinquency on their part are separated from the service or reduced in class or grade, and for the reinstatement in a position of their former classification of employees promoted to and later demoted from appointive positions in the unclassified service.

j. For the discipline of employees by suspension, demotion, discharge, or other actions not inconsistent with the provisions of this article.

k. For the certification to the chief finance officer of the city of the names and classifications of all persons legally employed in the city service, without which certifications this officer shall not authorize the issuance of salary warrants.

l. For hours of work, attendance, leave, and other regulations relating to working conditions.

Examinations

Section 8.05. Special Provisions Relating to Examinations: All examinations shall be impartial and shall deal with the duties and requirements of the positions to be filled; they may be oral, written, or based on observed performance or educational and experience record, or any combination thereof. Unskilled laborers may be appointed in the order of priority of application, after passing such tests of fitness as the Personnel Officer may prescribe. The Personnel Officer may develop an apprenticeship program for the recruitment and promotion of employees in the skilled trades.

Classified and unclassified services

Section 8.06. Classified and Unclassified Services: The employments in the city service are hereby divided into the classified and unclassified services. The unclassified service shall consist of (a) officers elected by the people and persons appointed to fill vacancies in elective offices; (b) the members of boards and commissions as provided by this charter; (c) The Manager, Attorney, and department heads as provided for in this charter; (d) persons employed in a professional or scientific capacity to conduct a special inquiry, investigation, or examination; (e) persons employed for a temporary or special purpose for a period not to exceed sixty (60) working days in any one calendar year; (f) volunteer firemen; (g) volunteers participating in civilian defense activities; and (h)

contractors and their employees performing services for the city on a contract basis.

Section 8.07. The classified service shall comprise all positions not specifically included in the unclassified service.

Eligibility

Section 8.08. Eligibility for Employment: No person shall be eligible for employment in the city service who is not a citizen of the United States; provided that as to laborers this requirement may be waived by the Personnel Officer when laborers who are citizens are not available. No person shall be eligible to employment in the classified service who is not a resident of the city at the time of his appointment, and all officers and employees of the city shall reside within its corporate limits during their period of employment in the city service; provided, that the Personnel Board may waive such residence requirements when it deems it for the best interests of the city for such reasons and under such conditions as may be prescribed in the personnel rules.

Existing employees

Section 8.09. Status of Existing Employees: Employees holding positions as department heads at the time of approval of this charter by the Legislature shall continue to be in the classified service until the plan of organization provided for in this charter shall become effective. Such employees who do not elect to accept department head positions under the revised plan of organization shall have the privilege of petitioning the Personnel Board to determine their right to hold a position of less than department head rank in the classified service.

Same

Section 8.10. All other employees holding positions in the classified service who are there by virtue of existing civil service charter provisions, shall retain their positions until advanced, discharged, or reduced in rank in accordance with the provisions of this charter.

Effect of charter on existing retirement, etc., rights

Section 8.11. Nothing contained in this charter shall affect or impair employee retirement, sick leave, or vacation accrued, or the validity of eligible lists created, under personnel rules and ordinances in force at the time this charter is approved by the Legislature.

Article IX. Franchises

Franchises When required

Section 9.01. When Franchises are Required: No person, firm or corporation shall exercise any franchise right or privilege in the city for furnishing its inhabitants with transportation, communication, terminal facilities, water, light, heat, gas, power, or any other public utility or service, 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 which a franchise holder shall have in a valid unexpired franchise. Nothing contained in this Article shall be construed to apply to the City, or any department thereof, when furnishing any public utility or service.

Public utilities not described herein

Section 9.02. Nothing in this article shall be construed as applying to or requiring 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 Roseville.

Violation

Section 9.03. 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 day that such condition continues to exist shall constitute a separate violation.

Authority and procedure for granting franchises

Section 9.04. Authority and Procedure to Grant Franchises. 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 detailed procedure for granting franchises. Such ordinance shall provide

a. For the publication of notice of franchise applications,
b. For protests against the granting of such franchises,
c. For the holding of public hearings on such applications,
d. For the publication of the ordinance granting the franchise in the manner provided for in Section 5.07 of this charter.

Terms and conditions

Section 9.05. The Council is empowered, to grant by ordinance to any person, firm, or legally authorized corporation, whether operating under an existing franchise or not, a franchise to use the public streets, ways, alleys and places, as the same now or may hereafter exist, for the purposes described in Section 9.01 of this charter and for such other purposes as are permitted by state law. The said ordinance shall prescribe the terms and conditions under which the franchise will be granted in accordance with the applicable provisions of this charter and any ordinances adopted pursuant thereto, and may in such franchise impose such other and additional terms and conditions not in conflict therewith as in the judgment of the Council are in the public interest or as the people, by initiative, indicate they desire to have so imposed.

Consideration

Section 9.06. No franchise shall be granted without reserving to the city adequate consideration for the privilege conferred.

The Council may grant a franchise by ordinance or may, in its discretion, advertise for bids for basis, not in conflict with the provisions of this charter to be set out in the advertisement for bids and notice of sale; provided, that no bidding shall be had or required upon any renewal of a franchise,

surrender of existing franchise or parts thereof, or in settlement of litigation between the grantee and the city.

Terms

Section 9.07. Terms of Franchises: Every franchise shall be either for a fixed term not to exceed thirty (30) years, or for an indeterminate period. If for a fixed term, the franchise shall state the term for which it is granted. If for an indeterminate period, it shall set forth the terms and conditions under which it may be terminated; provided that each such franchise shall vest in the city the right, at any time upon six (6) months notice in writing, to acquire and possess the property of the grantee.

No exclusive franchise shall ever be granted.

Eminent domain

Section 9.08. 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 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. Every franchise grant shall reserve to the city the right to purchase the property of such utility upon six (6) months written notice, either at an agreed price or a price to be determined in a manner to be prescribed in the grant, or in the manner prescribed by the procedural ordinance hereinabove mentioned. In fixing the price to be paid by the city for any utility, no allowance shall be made for franchise value (other than the actual amount paid to the city at the time of the franchise acquisition), good will, going concern, earning power, or increased value of right of way.

Standards

Section 9.09. Every franchise shall provide all regulations necessary or proper to secure in the most ample manner the safety, accommodation, comfort, and convenience of the public. To this end, every franchise shall provide for the establishment of reasonable standards of service and quality of product and require proper and adequate extensions of plant or service and the maintenance thereof at the highest practical standard of efficiency.

Rights reserved to city

Section 9.10. Every franchise shall provide that the city shall, upon reasonable notice, have the right at any time, without liability or obligation to the grantee, to change the grade, location, alignment or use of any street, way, alley or place in, upon or over which the grantee has installed or operates facilities, equipment, lines or other devises.

Consent of city

Section 9.11. No franchise heretofore or hereafter granted by the city shall ever be leased, assigned, or otherwise alienated without the express consent of the city by ordinance, and no dealing with the lessee or assignee on the part of the city to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent.

Revocation

Section 9.12. Every franchise shall reserve to the city the right to revoke the franchise at any time for non-use, failure

to begin construction within the prescribed time, or other violations of the terms of the franchise.

Rates, etc

Section 9.13. Every franchise shall provide for the establishment and adjustment of rates, fares, and charges for service, where not otherwise prohibited by state law.

Article X. Municipally-owned Utilities

Municipally-owned utilities General powers

Section 10.01. General Powers Respecting Utilities: The city shall possess all the powers granted to cities by state law to construct, condemn and purchase, purchase, acquire, add to, maintain, and operate, either within or outside its corporate limits, including, but not by way of limitation, public utilities for supplying water, light, heat, power, gas, transportation, sewage and refuse collections, treatment and disposal services, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver any of the utility services above mentioned outside its corporate limits, to the extent permitted by state law.

Rates, collection

Section 10.02. Rates; Collection of Utility Charges: The Council shall have the power to classify and to fix and, from time to time to revise such rates and charges as it may deem advisable for supplying the inhabitants of the city and others with such utility services as the city may provide. The Council shall, by ordinance, provide for the collection of all public utility charges made by the city, and the attendant exercise, on behalf of the city, of all actions or remedies permitted by law.

Disposal of property

Section 10.03. Disposal of Utility Plants and Property: The city shall not sell, exchange, lease, or in any way alienate or dispose of the property, easements, or other equipment, privileges, or assets which are essential parts of any utility which it may acquire, unless and except the proposition for such purpose shall first have been submitted and approved by a majority vote of the electors voting thereon at a general or special municipal election. All contracts, negotiations, licenses, grants, leases, or other forms of transfer in violation of this provision shall be void and of no effect as against the city. The provisions of this section shall not, however, be interpreted to preclude the sale, exchange, or other disposal to the advantage of the city, of parts of a utility's property and assets which are not essential to continued effective utility service and the disposal of which will not prejudice municipal interests.

Article XI. Elementary Schools

Elementary schools Roseville City School District

Section 11.01. School District: The Elementary Public School System of the city existing at the time of the approval of this charter by the Legislature, or as its boundaries may be changed in the future, shall remain and continue to be known as the Roseville City School District.

Board of education

Section 11.02. Board of Education: The electors of the school district shall elect a Board of Education of five (5) members, at large, for three (3) year terms of office. Members of the Board of Education in office at the time of 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. One member shall be elected in 1955, two (2) in 1956, and two (2) members in 1957 at the time and in the manner prescribed in the California Education Code. Eligibility to hold office, the filling of vacancies on the board and other rules of procedure shall be in accordance with the provisions of the Education Code of the State of California as it now exists or as it may hereafter be amended.

Powers and duties

Section 11.03. Powers and Duties: The control of the Roseville City School District shall be vested in the Board of Education which shall have all the powers granted to such school districts by the Constitution, the Education Code, and the general laws of the State of California as they now exist or as they may hereafter be amended.

Article XII. Miscellaneous

Construction

Section 12.01. Construction of the Charter: The word "city" wherever it occurs in this charter, means the City of Roseville. The word "Council" wherever it occurs in this charter, means the City Council of the City of Roseville. The words "Manager," "Attorney," "Clerk," "Treasurer," and the "Boards" and "Commissions" mentioned in this charter refer to the respective city officials of the City of Roseville.

Section headings

Section 12.02. Section Headings: The section headings used in this charter are for convenience only and shall not be considered part of this charter.

Violations

Section 12.03. Violations: The violation of any provisions of this Charter shall unless otherwise specifically provided herein, be deemed a misdemeanor and be punishable upon conviction by a fine of not exceeding One Thousand Dollars ($1,000.00) or by imprisonment for a term of not exceeding one (1) year or by both such fine and imprisonment.

Severability

Section 12.04. Effect of Illegality of Any Part 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 Roseville 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.

Effective date of charter

Section 12.05. Effective Date of Charter: This charter shall take effect from the time of approval of the same by the State Legislature.

(Published Sept. 7, 1954)

IN WITNESS WHEREOF, we have hereunto set our hands and hereto affixed the seal of said City of Roseville, this 22nd day of December, 1954.

PAUL J. LUNARDI
(SEAL) Mayor of the City of Roseville, California
RALEIGH W. TERRY
ATTEST: City Clerk of the City of Roseville, 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 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 charter of the City of Roseville, 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 Roseville.

CHAPTER 14

Assembly Concurrent Resolution No. 6—Approving a certain amendment to the charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a municipal election held therein on the fourth day of November, 1952.

[Filed with Secretary of State, January 11, 1955.]

City of Albany Charter amendment

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of a certain amendment, hereinafter set forth, to the charter of the City of Albany, 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:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF ALBANY AT A MUNICIPAL ELECTION HELD ON THE 4TH DAY OF NOVEMBER, ONE THOUSAND NINE HUNDRED AND FIFTY TWO, OF CERTAIN AMENDMENTS TO THE CHARTER OF ALBANY, STATE OF CALIFORNIA.

STATE OF CALIFORNIA
COUNTY OF ALAMEDA } ss.
CITY OF ALBANY

We, Lewis Howell, Mayor of the City of Albany, and Myrtle J. McLean, City Clerk of the City of Albany, do hereby certify as follows: Certificate

That said City of Albany, in the County of Alameda, State of California, is now and was at all 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 Albany is now and was at all 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 26th day of March, 1927, and approved by the Legislature of the State of California, (Statutes 1927, Chapter 53, Page 2312), and by resolution of said Legislature filed with the Secretary of State of the State of California on the 19th day of April, 1927 (Statutes 1927, Chapter 53, Page 2312); 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 Albany 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 4th day of November, 1952; and

That said proposed amendments were, on the 19th day of September, 1952, duly published in the "Albany Times", a newspaper of general circulation, published in the City of Albany, and the official newspaper designated by said City Council for that purpose, and in each edition thereof.

The said City Council did by Resolution designated as Resolution No. 1711 A. N. S., which was duly adopted on the 3rd day of September, 1952, call for and give notice of a special municipal election in the City of Albany on the 4th day of November, 1952, 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 Albany, as aforesaid; and

That said special municipal election was held in the said City on said 4th day of November, 1952, which date was more than forty (40) days and less than sixty (60) days after said proposed amendments to said Charter had been published in said "Albany Times", as aforesaid; and

That at said special municipal election held as aforesaid, on said 4th day of November, 1952, a majority of the voters voted in favor of one of said proposed amendments, as hereinafter set forth, to the Charter of the City of Albany and duly ratified the same; and

That the Board of Supervisors of the County of Alameda, 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, declared, and certified that a majority of the qualified voters voting thereon, had voted in favor of and ratified said proposed amendment to the Charter of the City of Albany, which amendment is in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT NO. 4

That Sub-section (k) of Section 49 of the Charter be amended as follows:

Fire department employees Qualifications

"Sub-section (k) of Section 49, Qualifications: Every appointee of the Fire Department at the time of appointment shall not be less than twenty-one years (21) nor over thirty-five years of age. Every appointee, however, must possess the physical qualifications prescribed by the Civil Service Board (which shall not be inferior to those required for recruits of the United States Army) and before his appointment must pass satisfactory examinations as may be prescribed by the Civil Service Board. Every appointee must reside not more than seven road miles from the intersection of San Pablo and Solano Avenues, Albany, California."

That the foregoing is a full, true and correct copy of said proposed amendment to the Charter of the City of Albany, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Albany.

That attached hereto and made a part hereof is a Certification of Results of Canvass of Votes cast at the said election.

IN WITNESS WHEREOF, Lewis Howell, Mayor, as aforesaid, and Myrtle J. McLean, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Albany to be thereunto duly affixed, on this 20th day of December, 1954.

(SEAL)

LEWIS M. HOWELL
Mayor of the City of Albany
MYRTLE J. McLEAN
City Clerk of the City of Albany

Prepared and approved by:
ROBERT J. FOLEY
City Attorney of the City of Albany

and

WHEREAS, Said proposed charter amendment so ratified as hereinabove set forth has been, and is now, duly presented and submitted to the Legislature of the State of California for approval or rejection 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 amendment to said charter of the City of Albany herein set forth, as submitted and proposed to and adopted and ratified by the qualified electors of said city, be, and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of said City of Albany.

CHAPTER 15

Assembly Concurrent Resolution No. 7—Approving amendment 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 state general election and consolidated special municipal election held therein on the second day of November, 1954.

[Filed with Secretary of State, January 11, 1955.]

City and County of San Francisco Charter amendment

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county six (6) amendments 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 six (6) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in "The San Francisco Examiner," 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 Examiner" 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 state general election and consolidated special municipal election to be held in the City and County of San Francisco on the second day of November, 1954, the said six (6) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said state general election and consolidated special municipal election was held in said City and County of San Francisco on the second day of November, 1954, 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 Examiner," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the twenty-second day of November, 1954, duly certify to the board of supervisors the results of said state general election and consolidated special municipal election as determined from the canvass of the returns thereof; and

WHEREAS, Thereafter, to wit, on the twenty-second day of November, 1954, said board of supervisors duly approved the "official statement" of votes cast at the state general election and consolidated special municipal election held in the City and County of San Francisco, State of California, on Tuesday, the second day of November, 1954; and

WHEREAS, At said state general election and consolidated special municipal election so held on the second day of November, 1954, one (1) of said proposed amendments was ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendment, designated as Proposition E, and five (5) other charter amendments submitted at said state general election and consolidated special municipal election, to wit, charter amendments designated as Propositions F, G, H, I and J, received less than a majority of the votes of the electors voting thereon and were not ratified; and

WHEREAS, The said charter amendment so ratified by the electors of the City and County of San Francisco 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 the provisions of Section 8 of

Article XI of the Constitution of the State of California, and is in words and figures as follows:

PROPOSITION E

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by adding thereto Section 145.02, relating to the employment of blind persons in the public service.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 2, 1954, a proposal to amend the charter of said city and county by adding Section 145.02 thereto, reading as follows:

EMPLOYMENT OF BLIND PERSONS

Employment of blind persons

Section 145.02. Notwithstanding anything to the contrary in Section 140 of this charter, or any other provision of the charter, it shall be the policy of the City and County of San Francisco, consistent with a policy of acquiring qualified personnel for the service of the city and county, to encourage the hiring of blind persons. It shall further be the policy of the City and County of San Francisco that no otherwise qualified blind person shall be discriminated against in examination, reexamination, appointment, reappointment, waiver of eligibility for appointment or reappointment, promotion or demotion in any class, subclass or position in the civil service unless eyesight is indispensable for the performance of the duties and responsibilities of the class, subclass or position. It shall be the duty of the commission to classify, and from time to time may reclassify, places of employment in the civil service the duties of which may be efficiently performed by qualified blind persons and to conduct appropriate examinations which will fairly test the capacity of blind persons as well as sighted persons to perform such duties.

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 amendment to the Charter of the said City and County of San Francisco with the original proposal which was submitted to the electors of said City and County at a State general election and consolidated special municipal election held on Tuesday, the second day of November, One Thousand Nine Hundred Fifty-Four; 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 amendment 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 twentieth day of December, One Thousand Nine Hundred and Fifty-Four.

GEORGE CHRISTOPHER
(SEAL) 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

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 amendment 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 is hereby approved as a whole without amendment or alteration, for and as amendment to, and as part of the charter of the City and County of San Francisco.

CHAPTER 16

Assembly Concurrent Resolution No. 8—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 direct primary election and consolidated special municipal election held therein on the eighth day of June, 1954.

[Filed with Secretary of State, January 11, 1955.]

City and County of San Francisco: Charter amendments

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the Office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the

qualified electors of the city and county three (3) 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 three (3) 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 Examiner," 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 "San Francisco Examiner," 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 direct primary election and consolidated special municipal election to be held in the City and County of San Francisco on the eighth day of June, 1954, the said three (3) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said direct primary election and consolidated special municipal election was held in said City and County of San Francisco on the eighth day of June, 1954, 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 "San Francisco Examiner," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the twenty-eighth day of June, 1954, duly certify to the board of supervisors the results of said direct primary election and consolidated special municipal election as determined from the canvass of the returns thereof; and

WHEREAS, Thereafter, to wit, on the twenty-eighth day of June, 1954, said board of supervisors duly approved the "official statement" of votes cast at the direct primary election and consolidated special municipal election held in the City and County of San Francisco, State of California, on Tuesday, the eighth day of June, 1954; and

WHEREAS, At said direct primary election and consolidated special municipal election so held on the eighth day of June, 1954, the three (3) 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, D and E; 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

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 151.3 thereof, relating to formula for fixing wage schedules for platform employees and bus operators of the Municipal Railway.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on June 8, 1954, a proposal to amend the charter of said city and county by amending Section 151.3 thereof, so that the same shall read as follows:

BASIS OF STANDARDIZATION OF COMPENSATION OF CERTAIN EMPLOYEES

Standardization of compensation of certain employees

Section 151.3. Notwithstanding any of the provisions of section 151 or any other provisions of this charter, whenever any groups or crafts establish a rate of pay for such groups or crafts through collective bargaining agreements with employers employing such groups or crafts, and such rate is recognized and paid throughout the industry and the establishments employing such groups or crafts in San Francisco, and the civil service commission shall certify that such rate is generally prevailing for such groups or crafts in private employment in San Francisco pursuant to collective bargaining agreements, the board of supervisors shall have the power and it shall be its duty to fix such rate of pay as the compensations for such groups and crafts engaged in the city and county service. The rate of pay so fixed by the board of supervisors shall be determined on the basis of rates of pay certified by the civil service commission on or prior to April 1st of each year and shall be effective July 1st following; provided, that the civil service commission shall review all such agreements as of July 1st of each year and certify to the board of supervisors on or before the second Monday of July any modifications in rates of pay established thereunder for such crafts or groups as herein provided. The board of supervisors shall thereupon revise the rates of pay for such crafts or groups accordingly and the said revised rates of pay so fixed shall

be effective from July 1st of the fiscal year in which such revisions are determined.

Should the budget estimates of the several departments be filed with the controller or transmitted to the mayor before any such report of said civil service commission is received by the board of supervisors, the head of each department affected by such report may amend its budget estimate to comply with the provisions of such report.

Notwithstanding the provisions of section 151 or any other provisions of this charter the wages of the various classifications of employment of platform employees and coach or bus operators of the municipal railway shall be determined and fixed, annually as follows:

(A) On or before the second Monday of July of each year the civil service commission shall certify to the board of supervisors for each classification of employment the highest wage schedule in effect on July 1st of that year for comparable platform employees and coach or bus operators of other street railway systems in the State of California operated in municipalities having each a population of not less than 100,000 as determined by the then most recent census taken and published by the director of the census of the United States, and each such system normally employing not less than one hundred (100) platform employees or coach or bus operators, or platform employees, coach and bus operators.

(B) The board of supervisors shall thereupon fix a wage schedule for each classification of platform employees and coach and bus operators of the municipal railway which shall be not in excess of the highest wage schedule so certified by the civil service commission for each such classification.

(C) When, in addition to their usual duties, such employees are assigned duties as instructors of platform employees or coach or bus operators they shall receive twenty (20¢) cents per hour in addition to the rate of pay to which they are otherwise entitled under the wage schedule as herein provided.

(D) The rates of pay fixed for platform employees and coach and bus operators as herein provided shall be effective from July 1st of the fiscal year in which such rates of pay are certified by the civil service commission; and the rates of pay specified in the wage schedules shall be paid to employees in accordance with the classifications of employment to which assigned as provided in the wage schedules adopted pursuant to this section; provided, that the platform employees and bus and coach operators so employed by the municipal railway on the effective date of this amendment shall be paid the maximum rate of pay provided in the wage schedules adopted for each year as herein provided regardless of classification to which assigned.

(E) Platform employees and coach and bus operators shall be paid one and one-half times the rate of pay to which they would otherwise be entitled under the wage schedules as herein

provided for all work performed on six days specified as holidays by ordinance of the board of supervisors for such employees.

(F) The terms wage schedule and wage schedules wherever used in this section are hereby defined and intended to include only the maximum rate of pay provided in each such wage schedule, but shall not include other financial or nonfinancial benefits or conditions of employment.

Not later than the 25th day of July in each year the board of supervisors shall have power and it shall be its duty, subject to the fiscal provisions of the charter but, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance to include the provisions necessary for paying the rates of compensation fixed by the board of supervisors as in this section provided for the then current fiscal year.

The first fiscal year for which wage schedules in accordance with this section shall be fixed for platform employees and coach and bus operators of the municipal railway shall be the fiscal year beginning July 1st next following the effective date of this amendment, but in any event not earlier than July 1, 1955.

PROPOSITION D

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 146.1 and repealing Section 146.2 thereof, relating to Substitute Promotional Examinations for Persons Returning from Authorized Military Leave.

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 June 8, 1954, a proposal to amend the charter of said city and county by amending Section 146.1 thereof, so that the same shall read as follows, and by repealing Section 146.2 thereof, the provisions of which read as set forth below:

SUBSTITUTE PROMOTIONAL EXAMINATIONS FOR PERSONS RETURNING FROM AUTHORIZED MILITARY LEAVE

Promotional examinations Persons returning from military leave

Section 146.1. Employees under permanent civil service appointment who, because of absence on duly authorized military leave after June 27, 1950, did not participate in a promotional examination held after June 27, 1950 and during time of war as defined in section 145.01 of this charter, and in which examination the employee would have been otherwise eligible to compete had the war not intervened, and which examination is hereinafter referred to as the original promotional examination, shall after abridgment of military leave, have the right to participate in a similar promotional examination Provided, that persons and employees who were on

entrance or promotive eligible lists, shall, for the purpose of this amendment, be deemed to be appointees in their classifications from the time their names were reached for permanent certification while in the military service.

In order to qualify for participation in a similar promotional examination under the provisions of this section, such employee who desires to participate therein must make application in writing to the civil service commission within thirty days after the abridgment of his military leave, or within thirty days after the effective date of this amendment. Failure to file such written request to participate in a similar promotional examination as herein provided shall be deemed a waiver of all rights of the employee to participate in such similar promotional examination.

The civil service commission shall arrange to hold such similar promotional examination within a reasonable time after employees eligible to request participation in any such similar promotional examination under the provisions of this section have indicated their desire to so participate, or have waived their right to participate, as herein provided.

The civil service commission shall be the sole judge of the adequacy of such similar promotional examination. If the employee obtains in the similar promotional examination a score rating equal to or more than the minimum passing mark established by the civil service commission for inclusion on the list of eligibles resulting from the original promotional examination, his name shall thereupon be entered on the eligible list resulting from the original promotional examination in accordance with the relative excellence obtained by all the qualified participants in the original and similar promotional examinations. Such employees shall be eligible for appointment from such list of eligibles in accordance with civil service rules to any vacancy thereafter occurring, and subject to satisfactory completion of a probationary period as provided in section 148 of this charter for a period of four years after the date on which their name is entered on the eligible list and before eligibles procuring standing through examinations held subsequent to the original promotional examination.

If it is determined by the civil service commission that the name of such person would have been reached for permanent appointment from the list of eligibles established as a result of the original promotional examination during his term of military service had the name of such person appeared thereon, then such employee, upon appointment to a permanent position as herein provided, shall be granted seniority in such appointment from the date his name would have been reached had his name appeared thereon, but such seniority shall be used only for the purpose of determining salary increments and calculating city and county service credits in other promotional examinations held subsequent to the similar promotional examination herein authorized. For all other purposes, seniority of service shall date from the date of appointment as

a result of qualifying in the similar promotional examination as herein authorized.

Such employees who qualify for appointment as a result of a similar promotional examination as herein provided, and who are appointed to permanent positions, as herein provided, shall be permitted to participate in other promotional examinations for which they are otherwise eligible, while serving under probationary appointment in the position to which appointed as a result of the similar promotional examination, provided that certification from lists of eligibles established from such other examinations shall not be made until the employee has satisfactorily completed the aforesaid probationary appointment.

The civil service commission shall adopt rules to govern the administration of similar promotional examinations herein authorized, and appointments and other matters resulting therefrom.

Substitute Promotional Examinations for Employees Returning From Service in Armed Forces

Substitute promotional examinations Persons returning from military leave

Section 146.2. Employees under permanent civil service appointment who, because of absence on duly authorized military leave for service in the armed forces of the United States, did not participate in a promotional examination held between September 16, 1940 and the effective date of this amendment, in which examination the employee was otherwise eligible to compete, and which examination is hereinafter referred to as the original promotional examination, shall after abridgment of military leave, have the right to participate in a similar promotional examination, subject to the provisions of this section. The provisions of this section shall not apply to employees whose military leave extends beyond six months after the effective date of this amendment.

In order to qualify for participation in a similar promotional examination under the provisions of this section, such employee who desires to participate therein must make application in writing to the civil service commission within thirty days after the abridgment of his military leave, or within thirty days after the effective date of this amendment, whichever is later. Failure to file such written request to participate in a similar promotional examination as herein provided shall be deemed a waiver of all rights of the employee to participate in such similar promotional examination.

The civil service commission shall arrange to hold such similar promotional examination within a reasonable time after all such employees eligible to request participation in any such similar promotional examination under the provisions of this section have indicated their desire to so participate, or have waived their right to participate, as herein provided.

The civil service commission shall be the sole judge of the adequacy of such similar promotional examination. If the em-

ployee obtains in the similar promotional examination a score rating equal to or more than the minimum passing mark established by the civil service commission for inclusion on the list of eligibles resulting from the original promotional examination, his name shall thereupon be entered on the eligible list resulting from the original promotional examination in accordance with the relative excellence obtained by all the qualified participants in the original and similar promotional examinations. Such employees shall be eligible for appointment from such list of eligibles in accordance with civil service rules to any vacancy thereafter occurring, and subject to satisfactory completion of a probationary period as provided in section 148 of this charter for a period of four years after the proclamation of peace or the termination of the emergency, and before eligibles procuring standing through examinations held subsequent to the original promotional examination.

If it is determined by the civil service commission that the name of such person would have been reached for permanent appointment from the list of eligibles established as a result of the original promotional examination during his term of military service had the name of such person appeared thereon, then such employee, upon appointment to a permanent position as herein provided, shall be granted seniority in such appointment from the date his name would have been reached had his name appeared thereon, but such seniority shall be used only for the purpose of determining salary increments and calculating city and county service credits in other promotional examinations held subsequent to the similar promotional examination herein authorized. For all other purposes, seniority of service shall date from the date of appointment as a result of qualifying in the similar promotional examination as herein authorized.

Such employees who qualify for appointment as a result of a similar promotional examination as herein provided, and who are appointed to permanent positions, as herein provided, shall be permitted to participate in other promotional examinations for which they are otherwise eligible, while serving under probationary appointment in the positions to which appointed as a result of the similar promotional examination, provided that certification from lists of eligibles established from such other examinations shall not be made until the employee has satisfactorily completed the aforesaid probationary appointment.

The civil service commission shall adopt rules to govern the administration of similar promotional examinations herein authorized, and appointments and other matters resulting therefrom.

PROPOSITION E

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 119.3 thereof, relating to the operation of cable cars.

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 June 8, 1954, a proposal to amend the charter of said city and county by amending Section 119.3 thereof, so that the same shall read as follows:

OPERATION OF CABLE CARS

Cable car operations

Section 119.3. In the conduct of the municipal railway there shall be maintained and operated cable car lines as follows:

1. A line commencing at Powell and Market Streets; thence along Powell Street to Jackson Street; thence along Jackson Street to Mason Street; thence along Mason Street to Columbus Avenue; thence along Columbus Avenue to Taylor Street; thence along Taylor Street to a terminal at Bay Street; returning from Bay and Taylor Streets along Taylor Street to Columbus Avenue; thence along Columbus Avenue to Mason Street; thence along Mason Street to Washington Street; thence along Washington Street to Powell Street; and thence along Powell Street to Market Street, the point of commencement.

2. A line commencing at Powell and Market Streets; thence along Powell Street to Jackson Street; thence along Jackson Street to Hyde Street; thence along Hyde Street to a terminal at Beach, returning from Beach and Hyde Streets along Hyde Street to Washington Street; thence along Washington Street to Powell Street; thence along Powell Street to Market Street, the point of commencement.

3. A line commencing at Market and California; thence along California Street to a terminal at Van Ness Avenue; returning from Van Ness Avenue along California Street to Market Street, the point of commencement.

Notwithstanding the provisions of section 74 of the charter the board of supervisors shall have power, and it shall be its duty, to provide $855,820 from any funds certified by the controller to be legally available for capital costs to accomplish the purpose of this section and it shall, for the fiscal year 1955-1956, levy a tax to provide any portion thereof not theretofore provided.

The amounts realized from the sale or disposition of that certain parcel of real property situate at the southwest corner of California and Hyde Streets shall be made available for capital costs for the purpose of this section, and shall be in addition to the amount specified in the preceding paragraph.

Proposed expenditures for capital costs in excess of the amounts hereinabove specifically provided for shall be subject to the provisions of section 74 of the charter.

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO } ss

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 direct primary election and consolidated special municipal election held on Tuesday, the eighth day of June, One Thousand Nine Hundred Fifty-Four; 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. Certificate

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 twentieth day of December, One Thousand Nine Hundred and Fifty-four.

GEORGE CHRISTOPHER
(SEAL) 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

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 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. Approval

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CHAPTER 17

Assembly Concurrent Resolution No. 9—Approving a certain amendment to the charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1954.

[Filed with Secretary of State, January 11, 1955.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of a certain amendment, City of Glendale Charter amendment

hereinafter set forth, to the charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENT BY ELECTORS OF THE CITY OF GLENDALE.

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF GLENDALE

Certificate

We, the undersigned, Hal E. Wright, Mayor of the City of Glendale, State of California, and G. E. Chapman, City Clerk and ex-officio Clerk of The Council of said City, do hereby certify and declare as follows:

That the legislative body of said City, namely, The Council of said City, did, pursuant to Section 8, Article XI of the Constitution of the State of California, by resolution adopted August 19, 1954, duly propose to the qualified electors of said City of Glendale one amendment to the Charter of said City, designated as City of Glendale Charter Amendment No. 1, and ordered that said amendment be submitted to said qualified electors of said City at a special municipal election to be held in said City on the 2nd day of November, 1954, which date was fixed in said resolution as the date for holding said special municipal election;

That said proposed amendment was, on September 22, 1954, published in the Glendale News-Press, the official newspaper of said City and a newspaper of general circulation therein, and in each edition thereof during said day of publication, and 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 the said Council of said City did by ordinance designated as Ordinance No. 2719, which was duly adopted on September 30, 1954, order the holding of a special municipal election in the City of Glendale, on the 2nd day of November, 1954, which said date was not less than 40 days and not more than 60 days after the completion of the publication of said amendment as aforesaid, which said ordinance was approved by the Mayor of said City on September 30, 1954, and was published once a week for two weeks prior to the time for the holding of said election, to wit: on October 19 and October 26, 1954, pursuant to the provisions of the Charter of the City of Glendale, in said newspaper;

That in said Ordinance No. 2719 said special municipal election was ordered consolidated with the general State 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 certify the results thereof to The Council;

That said consolidated election was held in said City of Glendale on the 2nd day of November, 1954, which day was not less than 40 days and not more than 60 days after said amendment to said Charter had been published once in said Glendale News-Press;

That thereafter the Board of Supervisors of the County of Los Angeles, acting by and through the Registrar of Voters, did, in the manner provided by law, duly and regularly canvass the returns of said election, and on November 30, 1954, duly certified to The Council the results of said special municipal election as determined from the canvass of the returns thereof;

That The Council did by resolution adopted on the 9th day of December, 1954, duly declare the results of said special municipal election;

That at said special municipal election of the City of Glendale, Charter Amendment No. 1 was ratified by a majority of the electors of said City voting thereon;

That the said Charter amendment so ratified by the electors of the City of Glendale 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, Article XI of the Constitution of the State of California, and is in words and figures as follows, to wit:

Article XXV of the Charter of the City of Glendale is amended to read:

"Article XXV—Employees' Retirement

Employee's retirement

Section 1. The participation of the City in the State Employees' Retirement System shall continue and shall include all specific benefits and provisions approved by the voters or The Council before July 15, 1954. All other existing or future amendments to the State Employees' Retirement Law shall also apply to the City's participation except that each amendment which by its terms requires amendment of the contract between the City and the System and which in the fiscal year following its effective date would increase the cost to the City by an amount equal to or exceeding one cent (1¢) on each one hundred dollars ($100 00) of valuation of property within the City, as assessed on said effective date, may be authorized only by a majority vote of the electors of the City voting on the question. A tax sufficient for the City's participation shall be levied, in addition to taxes authorized elsewhere in this Charter."

That the foregoing proposed and ratified amendment to the Charter of said City of Glendale, submitted to the electors of

said City at a special municipal election held in said City on the 2nd day of November, 1954, has been compared by us and each of us, with the proposed amendment set forth in the resolution adopted by The Council, as hereinbefore stated, and that the foregoing is a full, true, correct and exact copy thereof;

That this Certificate shall be deemed to be a full and complete certification of the regularity of all proceedings had and done in connection with said amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Glendale to be affixed this 9th day of December, 1954.

(SEAL)

HAL E. WRIGHT
Mayor of the City of Glendale
G. E. CHAPMAN
City Clerk of the City of Glendale

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF GLENDALE

I, G. E. Chapman, City Clerk of the City of Glendale, do hereby certify that on the 9th day of December, 1954, as appears from the official record of the proceedings of The Council of the City of Glendale for that date, the Mayor of the City of Glendale and the City Clerk of the City of Glendale were authorized and directed by the said Council to execute and attest the foregoing Certificate of Ratification of Charter Amendment by Electors of the City of Glendale, for and on behalf of said City, and the City Attorney of said City was authorized to take such steps as might be necessary to secure the approval by the Legislature of the State of California of said Charter amendment set forth in said certificate.

(SEAL)

G. E. CHAPMAN
City Clerk of the City of Glendale

and

WHEREAS, Said proposed charter amendment so ratified as hereinabove set forth has been, and is now, duly presented and submitted to the Legislature of the State of California for approval or rejection 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 amendment to said charter of the City of Glendale herein set forth, as submitted and proposed to and adopted and ratified by the qualified electors of said city, be, and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the charter of said City of Glendale.

CHAPTER 18

Assembly Concurrent Resolution No. 10—Approving a certain amendment to the charter of the City of Sacramento, a municipal corporation in the County of Sacramento, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the second day of November, 1954.

[Filed with Secretary of State, January 11, 1955.]

City of Sacramento 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 Sacramento, a municipal corporation in the County of Sacramento, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SACRAMENTO OF CERTAIN CHARTER AMENDMENTS.

STATE OF CALIFORNIA
COUNTY OF SACRAMENTO } ss.
CITY OF SACRAMENTO.

Certificate

We, the undersigned, H. H. Hendren, Mayor of the City of Sacramento, State of California, and Paul H. Manby, City Clerk of said City, do hereby certify and declare as follows:

That the City of Sacramento, a municipal corporation of the County of Sacramento, State of California, now is, and was, at all times herein mentioned, a City having a population of more than 50,000 inhabitants and has been ever since the year 1921 and now is organized, existing and acting under a 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 majority of the qualified electors of said City at a Special Municipal Election held for that purpose on the 30th day of November, 1920, and approved by the Legislature of the State of California on the 24th day of January, 1921 (Statutes of 1921, Page 1919);

That, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of said City of Sacramento, being the Legislative Body thereof, on its own motion, by Resolution No. 825, adopted on the 31st day of August, 1954, duly proposed to the qualified electors of the City of Sacramento, two certain amendments to the Charter of said City of Sacramento designated Propositions "C" and "D", the same to be submitted to said qualified electors at a Special Municipal Election consolidated with the General Election to be held on the 2nd day of November, 1954.

That each of said proposed amendments in accordance with Section 8 of Article XI of the Constitution of the State of

California was published once on the 9th day of September, 1954, in the "SACRAMENTO UNION," a newspaper of general circulation published in the City of Sacramento and the official newspaper of said City of Sacramento. That copies of said proposed amendments were printed in convenient pamphlet form and in type not less than 10 point and copies thereof were mailed to each of the qualified electors of said City of Sacramento. And until the date fixed for the election as hereinafter set forth there was published in said "SACRAMENTO UNION" an advertisement stating that copies of said proposed charter amendments could be had, upon application therefor, at the office of the City Clerk of said City of Sacramento.

That in accordance with the provisions of the Charter of said City of Sacramento and the resolution of the Legislative Body thereof, there was duly held in the City of Sacramento on the 2nd day of November, 1954, a Special Municipal Election consolidated with the General Election and that said proposed Charter Amendments and each of them were duly and regularly submitted to the qualified electors of said City for their ratification and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did thereby ratify Proposition "C" as hereinafter set out.

That the results of said election were duly and regularly canvassed by the Board of Supervisors of Sacramento County, pursuant to law and the resolution of consolidation of the election authorizing the said Board to canvass the vote and report the results thereof to the City.

That upon receipt of the results of the canvass, the City Council of the City of Sacramento duly and regularly found, determined and declared that a majority of the electors of said City voted in favor of Proposition "C" (Increased Pensions to Retired Persons), and had thereby by their vote ratified and approved said proposed charter amendment.

That Proposition "D" having failed to receive a majority of the votes cast was declared lost.

That said Charter Amendment Proposition "C" so ratified by the qualified electors of the City of Sacramento is now submitted to the Legislature of the State of California, pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California and is in words and figures as follows:

"PROPOSITION "C"

To amend Article XX of the Charter of the City of Sacramento, by adding a new section to be numbered 173.2 to read as follows:

INCREASED PENSIONS TO RETIRED PERSONS.

Increased pensions to retired persons

Section 173.2. (1) Subject to paragraph (6) of this section, every monthly allowance payable under the Sacramento

City Employees' Retirement System, in an amount of less than $150.00 per month, for time commencing on the effective date of this section, hereby designated as the first day of the month next following its ratification by the Legislature, to any member who was retired prior to July 1, 1952, or to the widow or child or children of any member who died prior to July 1, 1952, as the result of injury received in or illness caused by the performance of duty, is hereby increased by the amount set forth in the following table opposite the period during which the member's retirement became effective, or death occurred, if the retired member was entitled to be credited under the Sacramento City Employees' Retirement System, with 20 years or more of service, or, if the retired member was entitled to be so credited with less than 20 years of service, by an amount which bears the same ratio to the amount set forth in the following table opposite the period during which the member's retirement became effective or death occurred, that the number of completed years of service with which the member was entitled to be so credited bears to 20 years:

Period during which retirement became effective or death occurred	Amount of increase in monthly allowance where member was entitled to be credited with 20 or more years of service
Prior to July 1, 1948	$25.00
Twelve months ended June 30, 1949	20.00
Twelve months ended June 30, 1950	15.00
Twelve months ended June 30, 1951	10.00
Twelve months ended June 30, 1952	5.00

(2) If the member elected at retirement to have his allowance modified under option two or three provided under the Retirement System, and if his beneficiary is living on the effective date hereof, regardless of whether the member is living, the increase in the allowance shall be modified under the option then elected, and on the basis of the ages as they would be on said effective date, and current mortality tables and interest rate; but if such retired member is living and his beneficiary is not living on said effective date, then the increase shall be made in the allowance payable to him in the same manner and amount, that increases are made in allowances to persons who did not elect an option.

(3) Subject to paragraph (6) of this Section, every monthly allowance payable in an amount of less than $150.00 per month, for time commencing on the effective date of this section, to the widow or child or children of a member who retired prior to July 1, 1952, and who died after retirement and prior to said effective date, as a continuation of a portion of the allowance of the deceased retired member, shall be increased in the manner described in paragraph (1) of this section, but by only two-thirds ($\frac{2}{3}$) of the amount stated therein, opposite the respective period during which the retirement of such deceased member was effective, subject to pro

rata reduction if such deceased member was entitled to be credited with less than 20 years of service.

(4) The increase in each allowance provided by this section shall be apportioned between the service rendered prior to entry of the member into the Retirement System, and service rendered as a member, in the same proportions that the portion of the allowance which was not provided by the member's accumulated contributions, was so apportioned at the time of retirement or death. Contributions to the Retirement System necessary for the payment of the increase in the retirement allowances provided in this section, shall be provided, with respect to the portion of the increases based on service rendered as members under Section 175, from the reserves held by the Retirement System on account of members under Sections 175.1 and 175.13, the necessary amount being transferred upon said effective date, from said reserves to the reserves held by the Retirement System to meet the obligations on account of allowances that have been granted. The contribution being required of the City currently, as a percentage of compensation of members under Sections 175.1 and 175.13 shall be increased by a percentage determined by the actuary as necessary to replace the reserves so transferred. Contributions to the Retirement System necessary for the payment of said increases with respect to the portion of the increases based on service rendered as members under Section 173, and with respect to the portion of the increases based on service rendered prior to April 1, 1935, shall be paid to the System by the City by annual appropriations, provided that such appropriation for any year shall not be less than the amount disbursed during that year on account of said increases; and provided further that such appropriations shall not be made in separate amounts, but instead, shall be included as an addition, with the appropriations made on account of the current and prior service portions of the allowances to which the increases were added.

(5) This section does not give any retired member, or his successors in interest, or his beneficiary, or any payee for any allowance in respect to a deceased member, any claim against the City for any increase in any allowance paid or payable for time prior to its effective date.

(6) It is the intention under this Section that the increases in allowances provided herein shall not make the amount of any of such allowances more than $150.00 per month. If the allowances to which this section is otherwise applicable, or any of them, would be increased by the amounts stated in foregoing paragraph (1) to more than said monthly amount, this section shall be applicable only to the extent that any increased allowance payable pursuant to it, shall not exceed $150.00 per month."

That we have compared the foregoing amendments 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 said City of Sacramento to be affixed hereto this 16th day of December, 1954.

H. H. HENDREN
(SEAL) Mayor of the City of Sacramento
PAUL H. MANBY
City Clerk of the City of Sacramento

APPROVED AS TO FORM:
EVERETT M. GLENN
City Attorney of the City of Sacramento.

and

WHEREAS, Said proposed charter amendment as ratified as hereinabove 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 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 Sacramento, 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 alteration or amendment, for and as an amendment to and as part of the charter of said City of Sacramento. Approval

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CHAPTER 19

Assembly Concurrent Resolution No. 12—Approving certain amendments to the charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at municipal elections held therein May 11th, June 1st, and November 2d, 1954.

[Filed with Secretary of State, January 11, 1955.]

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: City of Long Beach Charter amendments

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT MUNICIPAL ELECTIONS HELD THEREIN MAY 11TH, JUNE 1ST, AND NOVEMBER 2ND, 1954, 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, George M. Vermillion, Mayor of the City of Long Beach, and Margaret L. Heartwell, 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 sixteen amendments to the Charter of said City and ordered that five of 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 11th day of May, 1954, four of said amendments to be submitted at the General Municipal Election to be held therein on the 1st day of June, 1954, and seven of said amendments to be submitted at a Special Municipal Election to be held therein on the 2nd day of November, 1954; and

That said five proposed amendments to be so submitted May 11, 1954, were designated as Propositions Nos. 1, 2, 3, 4, and 5 and were, with the exception of Proposition No. 4, duly published March 25, 1954, in the Long Beach Independent and in each edition thereof during said date of publication; that said Proposition No. 4 was published March 26, 1954, in said Long Beach Independent and in each edition thereof during said date of publication; and

That said four proposed amendments to be so submitted June 1, 1954, were designated as Propositions Nos. 1, 2, 3, and 4 and were duly published April 20, 1954, in said Long Beach

Independent and in each edition thereof during said date of publication;

That said seven proposed amendments to be so submitted November 2, 1954, were designated Propositions J, K, L, M, N, O, and P and were duly published September 8, 1954, in said Long Beach Independent and in each edition thereof during said date of publication; and

That said Long Beach Independent was, upon the dates of said publications, 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 dates of the publications of said proposed amendments, and at all times since has been, and now is, published in said City and said newspaper was, upon the dates of the publications 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 publications 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 ordinances respectively designated as Ordinances Nos. C-3380, C-3387, and C-3423, respectively order the holding of said municipal elections in said City of Long Beach on May 11th, June 1st, and November 2nd, 1954, which dates were respectively not less than forty nor more than sixty days after the completion of the publications of said proposed amendments, as aforesaid, and each of which ordinances were published at least three times in said Long Beach Independent, ten days respectively prior to the dates of said elections, to wit: Ordinance No. C-3380 on April 28, 1954, April 29, 1954, and April 30, 1954; Ordinance No. C-3387 on May 20, 1954, May 21, 1954, and May 22, 1954; and Ordinance No. C-3423 on October 20, 1954, October 21, 1954, and October 22, 1954; and

That said municipal elections were respectively held in said City of Long Beach on May 11, 1954, June 1, 1954, and November 2, 1954, which days were respectively not less than forty days nor more than sixty days after the completion of the publications of said proposed amendments once in said Long Beach Independent as aforesaid; and

That the City Council did, by resolutions adopted on the 18th day of May, 1954, 22nd day of June, 1954, and 14th day of December, 1954, duly declare the respective results of said municipal elections 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 twelve of said proposed 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:

(Election of May 11, 1954)

PROPOSITION No. 1

That the Charter of the City of Long Beach be amended by amending Section 66 thereof, to read as follows:

Submission of ballot measures or propositions by city council

Sec. 66. The City Council shall have the power to submit to the electors of the City of Long Beach, at any election, any measure or proposition required to be submitted by the constitution, this charter, general law or by ordinance of the city; provided, that in case such measure or proposition is required by said constitution, charter, general law or ordinance to be submitted at a special or other particular kind of election, or within any specified time, it shall be so submitted, and not otherwise. The City Council may cause to be mailed to all registered electors of the City, at any election at which all the qualified electors of the City are entitled to vote, arguments, in printed pamphlet form, relating to each measure or proposition to be voted upon at any such election; the procedure for the preparation and form of such arguments shall be as provided by the City Council by ordinance.

PROPOSITION No. 2

That the Charter of the City of Long Beach be amended by amending Section 1a thereof, to read as follows:

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. Notwithstanding the foregoing provisions of this section, the City Council may at any time direct the Planning Commission of said City to 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 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.

PROPOSITION No. 3

That the Charter of the City of Long Beach be amended by amending subdivision (2) and subdivision (3) of Section 217 and subdivision (19) of Section 228 thereof to read, respectively, as follows:

Appointment of general manager

(2) To appoint a General Manager who shall be, subject to the control of the Board, the chief administrative officer of the department, and a consulting engineer, each of whom shall hold office during the pleasure of the Board. No such General Manager or consulting engineer appointed under the provisions of this section, shall be, nor shall he have been for at least six (6) months prior to such appointment, a member of said Board of Water Commissioners. Should an employee of the classified civil service be appointed to a position mentioned in this subsection, his dismissal by the Board from such position shall not accomplish his dismissal from the classified civil service, but he shall be restored to the rank and grade held by him prior to his appointment under this subsection.

Appointment of other officers, etc

(3) To employ and appoint such other officers and employees as may be necessary or convenient in the execution of its functions; to prescribe and fix the duties, authority and compensation of all officers and employees; provided that all offices and places of employment in the permanent service of the Water Department shall be created by resolution duly passed by the Board, and provided further that all such permanent places of employment in the Water Department, except the General Manager, the consulting engineer, and the secretary, shall be subject to such provisions of Article XI of this Charter as are not in conflict herewith; and provided further, that any officer or employee employed by the Board may be summarily dismissed for the good of the service by four-fifths of the Board. The Board may appoint additional employees, who need not be in the classified civil service, to perform emergency or temporary work. The compensation fixed by the Board for all officers and employees in the Water Department shall be subject to the prior approval of the City Council by resolution. Any such compensation so fixed and approved prior to the effective date of this amendment shall

be valid for all purposes as though accomplished after such effective date. All other privileges and benefits to which such officers and employees shall be entitled, except as provided by this Charter or other applicable law, including, but not limited to, vacations, sick leaves and time off for overtime worked, shall be such as shall be prescribed by the City Council by ordinance. Until such ordinance is effective, such officers and employees, shall have the same privileges and benefits to which they were entitled by law immediately prior to the effective date of this amendment.

Harbor department

(19) To create divisions of the Harbor Department; to employ and appoint a General Manager and an Assistant General Manager, each of whom shall hold his position during the pleasure of the Board; wherever in this Charter the words "Port Manager" appear, they shall mean "General Manager"; and to employ and appoint such other officers and employees as may be necessary in the efficient and economical carrying out of its functions, and to prescribe and fix the duties, authority and compensation of all appointees hereunder and to require such officers and employees to give a bond in such an amount as the Board may require for the faithful performance of their duties. All offices and places of employment in the permanent service of the Board shall be created by ordinance. The compensation fixed by said Board for all officers and employees in the Harbor Department shall be subject to the prior approval of the City Council by resolution. Any such compensation so fixed and approved prior to the effective date of this amendment shall be valid for all purposes as though accomplished after such effective date. All other privileges and benefits to which such officers and employees shall be entitled, except as otherwise provided by this Charter or other applicable law, including, but not limited to, vacations, sick leaves and time off for overtime worked, shall be such as shall be prescribed by the City Council by ordinance. Until such ordinance is effective, such officers and employees, shall have the same privileges and benefits to which they were entitled by law immediately prior to the effective date of this amendment.

PROPOSITION NO. 4

That the Charter of the City of Long Beach be amended by repealing Section 229f thereof, and by amending Section 217b and Section 229e thereof, to read, respectively, as follows:

Board of water commissioners' budget

Sec. 217b. The Board of Water Commissioners shall, prior to the first day of June of each calendar year, adopt a departmental budget for the forthcoming fiscal year covering the anticipated revenue and expenditures of the Water Department. Such departmental budget shall conform, as far as practicable, to the form provided in this Charter for the general City budget. Each such budget shall contain a sum to be known as the "Unappropriated Balance," which sum shall

be available for appropriation by the Board, by resolution, in the ensuing fiscal year to meet contingencies as they may arise. A copy of every resolution making an appropriation from said unappropriated balance shall promptly be filed with the City Auditor and City Manager. Two certified copies of said budget shall forthwith, after adoption by the Board, be filed with the City Clerk for presentation to the City Council and one certified copy shall forthwith be filed with the City Auditor. Such budget shall be subject to the approval of the City Council as in this section provided. The City Council shall, not later than the first day of July of each calendar year, approve such budget adopted by the Board or shall amend said budget and approve the same as amended not later than the first day of July of each calendar year. In the event the City Council shall not approve said budget or amend the same and adopt said budget as amended on or before said first day of July, the same shall become effective as the official budget of said Water Department for the forthcoming fiscal year. In the event the City Council shall amend said budget and approve the same as amended, as above provided, a certified copy of said approved budget as amended shall be filed with the Board and the City Auditor. No expenditure shall be made or financial obligation incurred by the Board, its officers or employees, except as authorized by said annual departmental budget or appropriations made subsequent to said annual budget as herein provided. Said annual departmental budget, when effective, shall constitute an appropriation covering the anticipated revenues and expenditures of the Water Department as therein set forth.

Board of harbor commissioners' budget

Sec. 229e. The Board of Harbor Commissioners shall, prior to the first day of June of each calendar year, adopt a departmental budget for the forthcoming fiscal year covering the anticipated revenue and expenditures of the Harbor Department, wherein shall be stated the amount necessary, if any, to be raised by tax levy. Such departmental budget shall conform, as far as practicable, to the form provided in this Charter for the general City budget. Two certified copies of said budget shall forthwith, after adoption by the Board, be filed with the City Clerk for presentation to the City Council and one certified copy shall forthwith be filed with the City Auditor. Such budget shall be subject to the approval of the City Council as in this section provided. The City Council shall, not later than the first day of July of each calendar year, approve such budget adopted by the Board or shall amend said budget and approve the same as amended not later than the first day of July of each calendar year. The City Council may appropriate such amounts as it may deem necessary and proper to be expended pursuant to said annual departmental budget, and such amounts thus appropriated shall be included in said annual departmental budget as anticipated revenue of the Harbor Department. In the event the City Council shall not approve said budget or amend the same and

adopt said budget as amended on or before said first day of July, the same shall become effective as the official budget of the Harbor Department for the forthcoming fiscal year. In the event the City Council shall amend said budget and approve the same as amended, as above provided, a certified copy of said approved budget as amended shall be filed with the Board and the City Auditor. No expenditure shall be made or financial obligation incurred by the Board, its officers or employees, except as authorized by said annual departmental budget. Said annual departmental budget, when effective, shall constitute an appropriation covering the anticipated revenues and expenditures of the Harbor Department as therein set forth.

PROPOSITION No. 5

That the Charter of the City of Long Beach be amended by amending subsection (11) of Section 217 and Section 229-1 thereof, to read, respectively, as follows:

Contracts on behalf of water department

(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. 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. Except as provided in Section 294.1, all supplies and/or materials, not required to be obtained upon competitive bidding, or for actual emergency work, shall be procured for said Board by the City Purchasing Agent, in accordance with procedures prescribed therefor by the City Manager as shall not be in conflict with this Charter or other applicable law.

Contracts exceeding $3,500 Bids

Sec. 229-1. 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 General Manager of the Harbor Department. 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. Except as provided in Section 294.1, all supplies and/or materials, not required to be obtained upon competitive bidding, or for actual emergency work, shall be procured for said Board by the City Purchasing Agent, in accordance with procedures prescribed therefor by the City Manager as shall not be in conflict with this Charter or other applicable law.

(Election of June 1, 1954)

PROPOSITION No. 1

That the Charter of the City of Long Beach be amended by amending Section 260.6 thereof to read as follows:

Tideland oil fund

Sec. 260.6 (a) Any and all money derived by the City of Long Beach from the development of oil, gas or other hydrocarbon substances from beneath all tidelands and submerged lands specified and described in those certain grants from the State of California to the City of Long Beach, to wit, 1911 Statutes, page 1304, 1925 Statutes, page 235, and 1935 Statutes, page 794, except from beneath such of said lands as are located within the Harbor District of the City of Long Beach as said district was bounded and described on May 1, 1946, shall be paid into the Tideland Oil Fund. Money placed in the Tideland Oil Fund, not required by this Charter to be transferred to the Public Improvement Fund, shall be used exclusively for the purposes of establishing, constructing, maintaining and improving public parks, parkways, highways, playgrounds, and the construction, maintenance and operation of wharves, docks, piers, slips, quays and other utilities, structures and appliances necessary or convenient for the promotion and accommodation of commerce and navigation, as shall have been provided for in the official budget of the City adopted by the City Council; provided, however, such money may not be used and expended for any purpose in violation of the provisions of said grants from the State of California to the City of Long Beach. Notwithstanding any provision herein to the contrary, twenty-five per cent (25%) of any and all money derived on and after July 1, 1956, by the City as hereinabove provided shall not be expended for any purpose or purposes whatsoever other than that the same shall, from time to time, be invested in accordance with the provisions of applicable general laws of the State of California. The interest, earnings, income and/or profits from the investment of money paid into said Tideland Oil Fund shall likewise be paid into said Tideland Oil Fund and may likewise be invested in the same manner.

(b) Money remaining in the Tideland Oil Fund and not required by this Charter to be transferred therefrom, however, shall not be used for any of the aforesaid purposes unless, prior thereto, a majority of those voting thereon vote in favor of a proposition, for each such use, submitted by the City

Council at any City election wherein all City electors are entitled to vote. Such money, however, may be used without such prior approval of the electors and without the necessity of a provision therefor in the official budget of the City, for the payment of costs and expenses, for land subsidence remedial work, or to meet a public emergency caused by war, fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, if the City Council, by not less than a vote of two-thirds of all of the members thereof, declares the need for such land subsidence remedial work or declares the existence of such public emergency, provided, however, that such money shall not be used for any purpose in violation of the provisions of said grants from the State of California to the City of Long Beach.

(c) The sum of Two Hundred Fifty Thousand Dollars of the money remaining in said Tideland Oil Fund and not required by this Charter to be transferred therefrom, may be used each fiscal year for any purpose not in violation of said grants from the State of California to the City of Long Beach, as shall have been provided for in the official budget of the City, without prior approval of the electors of such use. If any or all of said sum of Two Hundred Fifty Thousand Dollars is not used within a fiscal year, the unused amount shall accumulate and shall likewise be available for such use in any succeeding fiscal year.

(d) The sum of Five Hundred Thousand Dollars may be used each fiscal year for the maintenance and operation of improvements constructed upon said tidelands and submerged lands in this section referred to and for the maintenance of said lands, as shall have been provided for in the official budget of the City, without prior approval of the electors of such use, provided, said money thus used shall not exceed the amount of money derived by the City as interest, earnings, income and/or profits from the investment of money paid into the Tideland Oil Fund as hereinabove provided.

(e) The amount of money, or any part thereof, derived by the City by, through, or from the operation of any improvements constructed with money paid into the Tideland Oil Fund and/or from the use or operation of the aforementioned tidelands and submerged lands, other than money derived from the development of oil, gas and other hydrocarbon substances from beneath said lands, may be used for the maintenance and operation of improvements constructed upon said tidelands and submerged lands in this section referred to and for the maintenance of said lands, as shall have been provided for in the official budget of the City, without prior approval of the electors of such use.

PROPOSITION No. 2

That the Charter of the City of Long Beach be amended by amending subsections (b), (c), and "Fifth" of Section 215a,

Section 265 thereof, and by adding thereto a new section to be known as Section 266 2, to read, respectively, as follows:

(b) Thereafter, the City Council may in its discretion order the City Treasurer to transfer to and place in the Cash Basis Fund the whole or any part of the balance of moneys remaining in said Gas Revenue Fund, until such time as said Cash Basis Fund shall have become adequate to finance the City from the end of a fiscal year until the first tax collection period thereafter, or other necessary period of each fiscal year for the purposes provided therefor in Section 265 of this Charter, and thereupon the City Treasurer shall make such transfer. Gas revenue fund Transfer to cash basis fund

(c) Thereafter any balance of moneys remaining in said Gas Revenue Fund shall be applied to the purposes for which moneys in said fund may be used; provided that the City Council may, in its discretion, order the City Treasurer to transfer to and place in the Gas Bond Redemption and Interest Fund, and/or Gas Reserve Fund the whole or any part of such balance of moneys and thereupon the City Treasurer shall make such transfer; and, provided further, that the City Council may, by a vote of two-thirds of all of its members, expressed by resolution, authorize the use of the whole or any part of such balance of moneys remaining in said Gas Revenue Fund for general expenses of the City. Balance of moneys

Fifth: Notwithstanding any other provision of this Section 215a, the City Council may, by a vote of two-thirds of all of its members, expressed by resolution, authorize the use of any money remaining in the Gas Revenue Fund at the end of any quarter of each fiscal year, for general expenses of the City and may, in connection therewith, authorize the transfer of such money to an appropriate fund or funds; provided, however, that no such use or transfer shall be made unless at the time of such transfer there shall be not less than Seven Hundred Thousand Dollars in the Gas Reserve Fund, and unless there shall remain in the Gas Revenue Fund, after such transfer, sufficient money to pay all outstanding demands and liabilities payable out of said Gas Revenue Fund. At any time during the fiscal year and prior to any such transfer, as hereinabove authorized, the City Council may order the City Treasurer to transfer from the Gas Revenue Fund and place in the Gas Reserve Fund such amounts as are required to be placed in said fund by this section, and may order the City Treasurer to transfer from the Gas Revenue Fund and place in the Cash Basis Fund such amount as authorized by subsection (b) of this Section 215a. Use for general expenses

Sec. 265. The Cash Basis Fund may be maintained and used as a revolving fund for the purpose of putting and maintaining the payment of the running expenses of the City on a cash basis, and to meet all legal demands against the City Treasurer for the first four months, or other necessary period, of each fiscal year, salaries and wages to be paid first. The City Council shall have the power to transfer from the Cash Cash basis fund

Basis Fund, after all demands for salaries and wages have been paid, such sum or sums as may be required for the purpose of placing such fund or funds, as nearly as possible, on a cash basis; salaries and wages to be provided for before any other transfers are made. It shall be the duty of the City Council to provide that all money so transferred from the Cash Basis Fund be returned thereto before the end of the fiscal year during which such transfers therefrom shall have been made.

Transfer of funds to pay current expenses

Sec. 266.2. The City Council may, by a vote of two-thirds of all of its members, expressed by resolution, authorize the transfer of money from one or more funds of the City to another fund of the City, for the purpose of putting and maintaining the payment of the running expenses of the City on a cash basis and to meet all legal demands against the City Treasurer for the first four months, or other necessary period, of each fiscal year, salaries and wages to be paid first, and thereupon the City Treasurer shall make such transfer; provided, however, that no such transfer shall be made unless at the time of such transfer there shall remain in such fund from which such transfer is made, together with all revenues anticipated to be payable into such fund during such period, sufficient money to pay therefrom all salaries and wages, claims, encumbrances and commitments payable from such fund for the period until such moneys thus transferred shall be returned thereto; and provided further, that no such transfer shall ever be made pursuant to the foregoing provisions from funds held by the City in trust for specific purposes and uses or from the fund or funds required by the Constitution of the State of California or the general laws of said State to be kept and maintained by the City of Long Beach. It shall be the duty of the City Council to provide that all money transferred as hereinabove provided be returned to the fund or funds from which money has been thus transferred before the end of the fiscal year during which such transfers therefrom shall have been made.

PROPOSITION No. 3

That the Charter of the City of Long Beach be amended by amending Sections 132.130, 132.140, 132.145 and 137.110 thereof to read, respectively, as follows:

Claims, etc., against city

Sec. 132.130. All claims and demands against the City of Long Beach or against any board or commission thereof, except coupons for interest and installments of the principal of outstanding bonds payable by the City or by a board or commission thereof, and except as otherwise provided in this Charter, shall be paid by means of vouchers together with warrants or checks drawn against a bank account maintained by the City Treasurer; the form of which vouchers, warrants and checks shall be prescribed by the City Manager.

Sec. 132.140. The salaries, wages or compensation of all officers of the City of Long Beach and all members of commissions and all members of boards of the City, and all assistants, deputies, clerks, attaches, and other employees of such officers, commissions or boards, and all other employees of the City, shall be paid by means of pay rolls together with pay roll warrants or pay roll checks drawn against a bank account maintained by the City Treasurer; the form of which pay rolls, pay roll warrants, and pay roll checks shall be prescribed by the City Manager. Each such pay roll shall be presented to the City Auditor and shall be accompanied by pay roll warrants on the City Treasurer or by pay roll checks drawn against a bank account maintained by the City Treasurer, for the salaries, wages or compensation of each person specified therein. Payment of salaries

Sec. 132.145. All demands, claims and pay rolls shall be presented to the City Auditor, who immediately shall audit them and he shall satisfy himself whether the same have been correctly computed and whether the money is legally due and remains unpaid, and whether the payment thereof is authorized by law. If the City Auditor approves such demand or claim, he shall endorse his approval upon the voucher accompanying such claim or demand, and he shall also sign his name to the warrant or warrants on the City Treasurer, or the check or checks, accompanying such claim or demand, and thereafter he shall immediately transmit such warrant or warrants, or such check or checks, to the City Treasurer for countersignature by the City Treasurer; after such warrant or warrants, or such check or checks have been so countersigned, the City Treasurer shall deliver or transmit the same to the payee or payees named thereon. Presentation of demands, etc.

If the City Auditor approves such pay roll, he shall endorse his approval thereon and sign his name thereto, and he shall also sign his name to the pay roll warrant or warrants, or pay roll check or checks accompanying such pay roll, and he shall immediately transmit such pay roll warrant or warrants, or such pay roll check or checks to the City Treasurer for countersignature by the City Treasurer; after such pay roll warrant or warrants, or such pay roll check or checks have been so countersigned, the City Treasurer shall deliver or transmit the same to the payee or payees named thereon.

If, after audit and examination as herein required, the City Auditor disapproves any demand, claim or pay roll in its entirety, or if, in his judgment, after conference with the officer, board, commission or employee who approved said claim, demand or pay roll, such claim, demand or pay roll should be allowed only for a less amount than approved by such officer, board, commission or employee, he shall immediately transmit the same to the City Council with his reasons for disapproval; provided, that any such claim, demand or pay roll payable out of a fund under the jurisdiction and control of any board or commission shall be transmitted immedi-

ately to such board or commission, together with the City Auditor's reasons for disapproval.

Any demand, claim or pay roll so transmitted by the City Auditor to the City Council, or to any such board or commission, shall be considered promptly by the City Council or by the board or commission to which such claim, demand or pay roll is transmitted, together with the objections of the City Auditor thereto. The City Council, or, in case such claim, demand or pay roll is transmitted to a board or commission, then such board or commission to which such claim, demand or pay roll is transmitted, may overrule or sustain the objections of the City Auditor to such demand, claim or pay roll, and its action shall be endorsed thereon, certified to by the City Clerk in the case of claims, demands or pay rolls so considered by the City Council and certified to by the secretary of the respective board or commission in the case of claims, demands or pay rolls so considered by such board or commission.

If the action of the City Council, or of any such board or commission, is to overrule the objections of the City Auditor to such claim, demand or pay roll, then such claim, demand or pay roll shall thereupon be returned to the City Auditor and the City Auditor shall forthwith sign his name to the warrant or warrants, or check or checks accompanying such claim, demand or pay roll and forthwith transmit such warrant or warrants, or such check or checks to the City Treasurer for countersignature by the City Treasurer; after such warrant or warrants, or such check or checks have been so countersigned, the City Treasurer shall deliver or transmit the same to the payee or payees named thereon. If the action of the City Council, or of any such board or commission, is to sustain the objections of the City Auditor to any such claim, demand or pay roll, such claim, demand or pay roll shall thereupon be returned to the office, department, board or commission in which the voucher or pay roll was prepared.

Whenever the signature of the City Auditor and/or City Treasurer shall be required to be placed upon any warrant or warrants, and/or check or checks, the same may be affixed thereto by the facsimile signature of said City Auditor and/or said City Treasurer.

Disbursement of funds

Sec. 137 110. Except as otherwise provided in this Charter, the City Treasurer shall receive and disburse all public moneys of the City of Long Beach and of all boards and commissions thereof. Except as otherwise provided in this Charter or by law such moneys shall be paid out upon the presentation of warrants and/or checks signed as prescribed in this article.

PROPOSITION No. 4

That the Charter of the City of Long Beach be amended by amending subdivision 2 of subsection (c) of Section 229x thereof to read as follows:

2. Revenue from Lands Other Than Tidelands and Submerged Lands. From any and all money derived by the City of Long Beach from oil, gas or other hydrocarbon substances, from all lands acquired by the City by purchase, tax deed, exchange, trade or gift, located in the Harbor District of the City of Long Beach, as distinguished from tidelands and submerged lands specified and described in those certain grants from the State of California to the City of Long Beach, to wit, 1911 Statutes, page 1304, 1925 Statutes, page 235, and 1935 Statutes, page 794, together with all money derived from cash bonuses paid by oil companies or individuals for oil leases on said lands other than said tidelands and submerged lands (including all money hereafter paid for permits for drilling oil wells or for the erection of oil well derricks or other buildings in connection with oil development, anywhere in the Harbor District, and irrespective of whether or not such wells, derricks or buildings are located on said tidelands and submerged lands), there shall be paid from time to time into the General Bond Redemption and Interest Fund, such amounts of money as will, at all times, result in there being in said fund sufficient money to pay, during the then current fiscal year and the succeeding fiscal year, the interest and redemption of any and all general obligation bonds issued by the City, except bonds issued for Harbor, Water and Gas Department purposes. Such money so paid into said fund shall be used solely for said purpose. All money so derived, not required hereunder to be paid into said General Bond Redemption and Interest Fund, shall be paid into the General Purpose Fund. Within ten days after the effective date of this amendment, the City Treasurer shall transfer to the General Purpose Fund from the General Bond Redemption and Interest Fund all money therein in excess of that required to pay the interest and redemption on such bonds during the current fiscal year and the succeeding fiscal year. Revenue from lands other than tidelands and submerged lands

(Election of November 2, 1954)

PROPOSITION J

That the Charter of the City of Long Beach be amended by amending Section 260.8 thereof to read as follows:

Sec. 260.8. A. The "Public Improvement Fund" shall consist of the money therein on the effective date of this section and additions thereto as herein provided. At least once each calendar month, there shall be transferred to the "Public Improvement Fund" fifty per cent of all revenue derived by the City from oil, gas and other hydrocarbons required by this Charter either: Public Improvement fund

1. To be placed in the "Tideland Oil Fund" or
2. To be transferred to the "Harbor Reserve Fund" or

3. To be placed in the "Harbor Revenue Fund" and not required to be transferred to the "Harbor Reserve Fund."

It shall be a continuing fund, not subject to transfer at the close of a fiscal year. Transfer of money from the fund to any other City fund may be authorized by the City Council, to be made by journal entry in the books of the City, as prescribed by the City Manager, for use as specified in subdivisions C 4 and C 5.

B. Twenty-five per cent of all assets in the fund shall be placed in a reserve within the fund within thirty days after the effective date of this section. At least once each calendar month thereafter there shall be placed into said reserve twenty-five per cent of all revenues that accrue to the fund from oil, gas and other hydrocarbons and an amount equal to the earnings from investment of the reserve. None of the reserve shall be expended for any purpose except investment thereof, other than the earnings from such reserve. Any earnings from the reserve not expended during the fiscal year earned, shall become a permanent part of the reserve.

C. The fund shall not be used except for the payment of costs and expenses of:

1. The acquisition, construction, reconstruction and development of public improvements;
2. The acquisition of such lands, rights and property as may be necessary or convenient for such public improvements;
3. Operation, repair and maintenance of such public improvements;

No use as specified in 1, 2 and 3 shall be made unless each such use has first been provided for in the official budget of the City adopted by the City Council, and has received a majority vote of those voting thereon in favor of a proposition for each such use, submitted by the City Council at any City election wherein all City electors are entitled to vote;

4. Land subsidence remedial work;
5. A public emergency caused by war, fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection;

No use as specified in 4 and 5 shall be made unless the City Council has, by not less than a vote of two-thirds of all the members thereof, as to 4 declared the need for such land subsidence remedial work, or as to 5 declared the existence of such public emergency;

6. Advance planning, as authorized by the City Council, of public improvements contemplated to be financed from the fund;

No use as specified in 6 shall be made unless each such use has first been provided for in the official budget of the City adopted by the City Council; no use, or combination of uses, as specified in 3 and 6 shall, in any fiscal year, exceed the sum of earnings in such year from the reserve and income accruing

to the fund from the operation of all public improvements originally financed from the fund.

PROPOSITION K

That the Charter of the City of Long Beach be amended by amending Section 57 thereof to read as follows:

Compensation of officers and employees

Sec. 57. Unless the salary is specifically stated in this Charter, each officer and each employee shall have such compensation for his services as may be prescribed by ordinance of the City Council or duly authorized by the board or body having jurisdiction under this Charter to set his compensation.

Time and method of payment of salaries of all officers and employees, including those whose salary is set by some body other than the City Council, shall be prescribed by the City Council. Time of payment shall be not less than twice each calendar month.

PROPOSITION L

That the Charter of the City of Long Beach be amended by adding a new section thereto to be known as Section 187.6, to read as follows:

Old Age and Survivors Insurance

Sec. 187.6. The City shall have the power and the City Council may do and perform any and all acts and take such action as may be necessary to place those employees of the City who now are or hereafter may become members of a coverage group included within the California State Employees' Retirement System under the Old Age and Survivors Insurance provisions of the Social Security Act; to terminate any existing contracts with the State system covering such employees co-incidentally with substitute benefits of equal or greater value becoming effective; and also to provide supplementary benefits for such employees either by contract with the California State Employees' Retirement System supplementing such as are provided by the Old Age and Survivors provisions of the Social Security Act or, in the alternative, to create a City established retirement system which will provide such supplementary benefits for such employees; provided any such system so created shall be upon an actuarially sound basis and, provided further, that at an election held for the purpose among all employees who shall then be included as members of any such coverage group under the California State Employees' Retirement System, the members of which it is proposed to include within either or both such systems, a number thereof shall vote in favor of such plan sufficient to satisfy the requirements of any United States statute providing a method of holding such an election or, in the event there shall be no such statute, then in accordance with any applicable California statute, if any there be, and otherwise as provided by ordinance.

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, George M. Vermillion, Mayor, as aforesaid, and Margaret L. Heartwell, 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 30th day of December, 1954.

GEORGE M. VERMILLION
(SEAL) Mayor of the City of Long Beach

MARGARET L. HEARTWELL
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 parts of the charter of the City of Long Beach.

CHAPTER 20

Assembly Concurrent Resolution No. 14—Approving certain amendments to the charter of the County of Los Angeles, State of California, submitted to, voted for, and ratified by, the electors of said county at the general election held in said county on the second day of November, 1954.

[Filed with Secretary of State, January 11, 1955.]

County of Los Angeles Charter amendments

WHEREAS, The County of Los Angeles, State of California, has been at all times herein mentioned, and now is, a body politic and corporate, and a political subdivision of the State of California, and is now, and has been, since the second day of June, 1913, 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 an election held for that purpose on the fifth day of November, 1912, and approved by the Legislature of the State of California on the twenty-ninth day of January, 1913; 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 adopted on the thirty-first day of August, 1954, duly propose to the qualified electors of said County of Los Angeles five amendments to the charter of said county, designated as proposed County Charter Amendments Nos. 1, 2, 3, 4 and 5, respectively, and ordered that said amendments be submitted to said qualified electors of said county at the general election to be held in said county on the second day of November, 1954, which date was the day fixed by law for the holding of said general election; and

WHEREAS, Said proposed Charter Amendments Nos. 1, 2, 3, 4 and 5 were published for 10 times in the Los Angeles Daily Journal, a daily newspaper of general circulation, printed, published, and circulated in said county, to wit, on September 13, 14, 15, 16, 17, 20, 21, 22, 23 and 24, 1954; and

WHEREAS, Said board of supervisors, by said resolution adopted on said thirty-first day of August, 1954, did order the placing of said proposed charter amendments on the ballot of said general election to be held in said County of Los Angeles on said second day of November, 1954, which date was not less than 30 days nor more than 60 days after said publication of such proposals, as aforesaid, for 10 times in a daily newspaper of general circulation printed, published, and circulated in said county; and

WHEREAS, Said general election was held in said County of Los Angeles on said second day of November, 1954; and

WHEREAS, Thereafter, the registrar of voters of said County of Los Angeles did, in the manner provided by law, duly and regularly canvass the returns of said election and certify the same to the clerk of the board of supervisors of said county and said clerk did on the second day of December, 1954, duly enter on the records of said board of supervisors a statement of the results of said canvass and said election; and

WHEREAS, At said general election held on said second day of November, 1954, all five of said proposed amendments were ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendments so ratified by the electors of said County of Los Angeles are 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 are in words and figures as follows, to wit:

PROPOSED COUNTY CHARTER AMENDMENT NO. 1

That the Charter of said County of Los Angeles be amended by adding Section 24⅔ to Article VI, which section to read as follows:

County engineer

Sec. 24⅔. The County Surveyor shall be known and referred to as the County Engineer. He shall be a civil engineer authorized to practice civil engineering in the State of California. He shall perform all the duties now or hereafter imposed by law on the County Surveyor, all civil engineering work for the County except that which is now or hereafter imposed on some other County officer by state law or by this charter, and such other duties as may be prescribed by ordinance of the Board of Supervisors.

PROPOSED COUNTY CHARTER AMENDMENT NO. 2

That the Charter of said County of Los Angeles be amended by amending Paragraph 13 of Section 34 of Article IX thereof to read as follows:

Reasons for change in status

Section 34. (13) For discharge or reduction in rank or compensation after appointment or promotion is complete, only after the person to be discharged or reduced has been presented with reasons for such discharge or reduction. Such reasons shall state the specific grounds and the particular facts upon which the discharge or reduction is based, and the person to be discharged or reduced shall be allowed a reasonable time in which to reply thereto in writing. Both the reasons and the reply must be filed with the Commission, whereupon if the person to be discharged or reduced shall so request, the Commission shall set a hearing. Such a hearing may be before one or more members of the Commission or a hearing board or officer appointed by the Commission. If such hearing is not before the full Commission, findings shall be submitted to the Commission for its approval. If the Commission accepts such findings it need not read the record of the hearing; if it declines to accept such findings, it must read the record or hold a hearing de novo. If the Commission concludes that the reasons are not sufficient to justify such discharge or reduction, it shall so notify the appointing authority concerned and such notification shall be a bar to any discharge or reduction for the specific reasons which have been presented.

PROPOSED COUNTY CHARTER AMENDMENT NO. 3

That the Charter of said County of Los Angeles be amended by amending Paragraph 17 of Section 34 of Article IX thereof to read as follows:

Supplemental examinations Military veterans

Section 34. (17) For supplemental examinations to add to both original and promotional eligible lists the names of veterans who have returned or have the right to return to active County service. The Commission shall have full discretion to

determine who are eligible for such examinations, the kinds of examinations to be given and the methods of determining the relative standings of the new names and the old names remaining on such list.

PROPOSED COUNTY CHARTER AMENDMENT NO. 4

That the Charter of said County of Los Angeles be amended by amending Section 36½ of Article IX thereof to read as follows:

Additional credit for military service

Section 36½. In all open competitive examinations held pursuant to this Charter, the Civil Service Commission shall, in addition to all other credits, give a credit of ten per cent of the total credits specified for such examination to all persons passing the examination who have, or who shall have, served in the armed forces of the United States in time of war, armed insurrection or international police action and are honorably discharged, or whose service was honorable, and also to the wife of any such person who while engaged in such service in time of war, armed insurrection or international police action was wounded, disabled or crippled and thereby permanently prevented from engaging in any remunerative occupation, and also to the widow of any such person who died or was killed while in such service.

PROPOSED COUNTY CHARTER AMENDMENT NO. 5

That the Charter of said County of Los Angeles be amended by adding Section 56¾ to Article XII thereof to read as follows:

Performance of functions

Section 56¾. The Board of Supervisors may require any County department, officer or Commission to perform any or all of the functions of any department, officer or Commission of any city, district, public agency or political subdivision in the County whenever requested by such city, district, public agency or political subdivision. The terms and conditions upon which such functions are to be performed by the County shall be fixed by agreement, which may provide for the consideration to be paid to the County, the blanketing into County civil service with or without examination of any or all officers or employees who have been performing such function for such city, district, public agency or political subdivision for at least six months, and for the terms and conditions upon which such persons are to be employed in the classified service of the County, including seniority, efficiency, sick leave, vacation and all other rights or benefits granted County employees.

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss

Certificate

We, the undersigned, Herbert C. Legg, Chairman of the Board of Supervisors of the County of Los Angeles, State of California and Harold J. Ostly, County Clerk and ex-officio

Clerk of the Board of Supervisors of said county of Los Angeles, do hereby certify:

That the foregoing proposed and ratified amendments to the charter of said County of Los Angles, submitted to the electors of said county at the general election held in said county on said second day of November, 1954, have been compared by us, and each of us, with the proposed amendments set forth in the resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing are full, true, correct and exact copies thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said charter are, and each of them is, true.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the same to be attested by the County Clerk and authenticated by the seal of the Board of Supervisors of the County of Los Angeles, this 16th day of December, 1954.

HERBERT C. LEGG
(SEAL) Chairman, Board of Supervisors of the County of Los Angeles.
HAROLD J. OSTLY
County Clerk and ex-officio Clerk of the Board of Supervisors.
By RAY E. LEE, Deputy

ATTEST:
HAROLD J. OSTLY, County Clerk of the County of Los Angeles, State of California
By RAY E. LEE, Deputy
(SEAL)

and

WHEREAS, Said proposed amendments to the charter of said County of Los Angeles, so ratified by the electors thereof, have been submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, 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 for the adoption of this resolution, and concurring therein, That said amendments to the charter of the County of Los Angeles as proposed by the board of supervisors of said county and as ratified by the electors of said county, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as a part of, the charter of the County of Los Angeles, State of California.

CHAPTER 21

Assembly Concurrent Resolution No. 15—Relative to the death of Captain Willis W. Bradley.

[Filed with Secretary of State, January 11, 1955.]

WHEREAS, It is with a profound sense of regret that we do mark the passing from our midst of our beloved friend and colleague, Captain Willis W. Bradley. By his death, on the 27th day of August, 1954, the State of California lost one of her most able and distinguished adopted sons and the Nation one of her most gallant and intrepid defenders; and

WHEREAS, The stirring example of devoted service to Nation, State, and fellow man emblazoned upon the log of his voyage upon the sea of life is one worthy of emulation. We commend it to the youth of today; and

WHEREAS, Captain Bradley was a blunt-spoken but kindly man aggressively devoted to the causes he espoused but tolerant of the opinions of others. He was devoted to his family, faithful to his friends, and intensely loyal to his Country; and

WHEREAS, He was born in Ransomville, New York, in 1884, and in 1906 graduated from the United States Naval Academy. In 1914 he received the degree of master of science from George Washington University and in 1938 graduated from the Naval War College; and

WHEREAS, During the course of his naval career he served with distinction in the Aleutians and the Caribbean. For his aid to the victims of the Messina earthquake in 1908-9, he was awarded a Silver Medal by the Italian Red Cross; and

WHEREAS, In World War I, for his extraordinary heroism, while serving as gunnery officer aboard the U. S. S. Pittsburgh, a grateful Nation bestowed upon him its highest award for valour, the Congressional Medal of Honor. Although dazed by an explosion, as he was entering an ammunition casemate, Bradley, then a lieutenant, without thought of personal safety, crawled to the fire and extinguished it before it could spread to stores of explosives; and

WHEREAS, From 1929 to 1931 he served as Governor of Guam, during which time he granted a "bill of rights" to the people of Guam, established "citizenship of Guam," created the bicameral Guam Congress, held the first election, and inaugurated the mail service; and

WHEREAS, During World War II, he was commander of the Naval Inspection and Survey Board with headquarters in Long Beach and responsible for the inspection and acceptance for the United States Navy of approximately 1,000 ships; and

WHEREAS, Upon his retirement from the Navy in 1946, Captain Bradley was selected to represent the Eighteenth District in California in the Eightieth Congress and, in 1952, was elected to the California Legislature to represent the Seventieth Assembly District; and

WHEREAS, He participated in a wide range of civic and fraternal service in Long Beach, the city which was his home for close to 23 years. He had been a director of the chamber of commerce, president of the Masonic Club and an adviser to the Navy Family Chapel. He was a member of the American Legion, Veterans of Foreign Wars, Amvets, Masons, Elks, Moose, Propeller Club and University Club; and

WHEREAS, We deeply mourn the passing of so outstanding a citizen, statesman, and friend. We shall sorely miss him; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature do hereby desire to express their deepest condolences to the bereaved members of the family of Captain Bradley. We pray that the Lord will comfort them in their hour of need; and be it further

Resolved, That when the Legislature shall adjourn from its labors this day it shall do so in respect to the memory of the late Captain Willis W. Bradley; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and forward suitably engrossed copies of this resolution to Mrs. Sue Bradley, his widow, and to Mrs. Anne Brucker, Mrs. Sue McCandless, Mrs. Josephine De Young, and Mrs. Elizabeth Earle, his daughters.

CHAPTER 22

Senate Concurrent Resolution No. 12—Relative to approving amendments to the charter of the City of San Leandro, 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 second day of November, 1954.

[Filed with Secretary of State, January 12, 1955.]

City of San Leandro: Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the City of San Leandro, 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:

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF SAN LEANDRO

State of California
County of Alameda } ss
City of San Leandro

Certificate

We the undersigned, Thomas O. Knick, Mayor of the City of San Leandro, State of California, and H. H. Burbank, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Leandro, a municipal corporation in the County of Alameda, State of California, 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 sixteenth day of December, 1949, and now is, organized and acting under the 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 voting at a special election held for that purpose on the sixteenth day of September, 1949, and approved by the Legislature of the State of California by Concurrent Resolution No. 2 filed with the Secretary of the State of California on the sixteenth day of December, 1949.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of San Leandro, being the legislative body thereof, by its Resolution No. 2456 C.M.S. duly and regularly passed and adopted on August 30, 1954, and entitled "Resolution Submitting Two Proposals For The Amendment of The Charter of The City of San Leandro On The Council's Own Motion, Fixing The Date of The Election At Which Such Proposals Shall Be Submitted To The Electors And Calling A Special Municipal Election To Be Held On Said Date; Directing The City Clerk To Advertise Said Proposed Amendments, And Providing For The Consolidation of Said Special Municipal Election With The General Election To Be Held In The City of San Leandro On The 2d Day of November, 1954", duly and regularly submitted to the qualified electors of said City of San Leandro certain proposals to amend the Charter of said City and to be voted on by the qualified electors at a Special Municipal Election called and held for that purpose in said City on the 2d day of November, 1954.

That said certain proposals were designated and entitled as follows:

San Leandro Proposition No. 1. Shall a new section, to be known as Section 601.1, be added to the San Leandro Charter to provide for the appointment (without thereby creating additional positions) of deputies necessary, proper, or convenient for carrying on the City's business?

San Leandro Proposition No. 2. Shall Section 805 of the Charter be amended so as to increase the number of members of the Civil Service Board from three to five?

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of San Leandro on the tenth day of September, 1954, in the San Leandro Morning News, a newspaper of general circulation published every day except Sundays and Mondays in said City

and the official paper of said City, and in each edition thereof during the day of publication.

That the Council of the said City of San Leandro, by the aforesaid Resolution No. 2456 C.M.S. requested the Board of Supervisors of Alameda County to consolidate the Special San Leandro Municipal Election with the General Statewide Election to be held on the 2d day of November, 1954, and authorized therein the Board of Supervisors of Alameda County to canvass the returns of the Special Municipal Election and to conduct and hold said Special Municipal Election with the General Statewide Election as though there were one election.

This Resolution was passed on the 30th day of August, 1954, by the Council of the City of San Leandro, County of Alameda, State of California.

That on the 2d day of September, 1954, the Board of Supervisors of Alameda County ordered consolidated with the General Statewide Election the Special Municipal Election to be held in the City of San Leandro for the purpose of submitting to the qualified electors of said City for their ratification at said election the Charter Amendments herein set forth.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, said proposed amendments were submitted to the voters at said Special Municipal Election on the 2d day of November, 1954, which day was not less than forty (40) nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed amendments in the "San Leandro Morning News", the official newspaper of said City.

That the Board of Supervisors of Alameda County, in accordance with the law in such cases made and provided, did meet on the 30th day of November, 1954, at its usual time and place of meeting, and duly canvassed the returns of said Special Municipal Election of the City of San Leandro as certified by the election boards and duly found, determined, and declared that the said proposed amendments to the Charter of the City of San Leandro were ratified by a majority of the electors of said City voting thereon.

That said amendments to the Charter of the City of San Leandro so ratified by the electors of the City of San Leandro are in the words and figures as follows, to wit:

That Section 601.1 be added to Article VI to read as follows:

Appointment of deputies

"Section 601.1. Appointment of Deputies. Notwithstanding any other provisions of this Charter, the City Council may, by resolution or ordinance, (without thereby creating additional positions) provide for such deputy or deputies as may be necessary, proper, or convenient for carrying on the City's business. Where a principal, for whom a deputy may be provided, is under bond, the principal and his bondsmen shall be responsible for the acts of such deputy."

That Section 805 of Article VIII be amended to read as follows:

"Section 805. Appointment, Qualifications, and Term of Office of the Members of the Civil Service Board: Anything in this Charter contained to the contrary notwithstanding, the City Council shall appoint from the registered electors of the City of San Leandro, five (5) persons to serve as members of the Civil Service Board for terms of six years except as herein otherwise provided. The members of the Civil Service Board in office when this amendment takes effect, shall continue in office until the expiration of their respective terms and until their successors qualify. The vacancies on the Civil Service Board caused by the increase in number of the Civil Service Board from three (3) to five (5) shall be filled by appointment by the City Council. One such appointee shall serve until January 1, 1957, the other appointee shall serve until January 1, 1959. Thereafter appointments shall be made for a term of six years or to complete an unexpired term. Neither during incumbency or within one year thereafter shall any member hold, or qualify as candidate for any other office, position, or employment within the City. Members may be removed for good cause by the City Council only after written charges have been filed, opportunity to answer has been provided, and public hearing."

Civil service board: Qualifications, terms, etc. of members

And we further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of San Leandro with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true, and correct copy thereof.

In Witness Whereof, we have hereunto set our hands and caused the Seal of the City of San Leandro to be affixed hereto, this 15th day of December, 1954.

THOMAS O. KNICK
(SEAL) Mayor of the City of San Leandro
H. H. BURBANK
City Clerk of the City of San Leandro

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 San Leandro 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 Leandro.

Approval

CHAPTER 23

Assembly Concurrent Resolution No. 18—Approving certain amendments to the charter of the County of Fresno, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on November 2, 1954.

[Filed with Secretary of State, January 13, 1955.]

County of Fresno: Charter amendments

WHEREAS, The County of Fresno, State of California, has been at all times herein mentioned and now is a body corporate and politic and a political subdivision of the State of California, and is now and has been since the twenty-fourth day of April, 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 special election duly and regularly called and held for that purpose on the tenth day of April, 1933, and approved by the Legislature of the State of California on the nineteenth day of April, 1933, and filed in the Office of the Secretary of State on the 24th day of April, 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 resolutions and orders adopted on the thirteenth day of September, 1954, duly propose to the qualified electors of the said County of Fresno, certain amendments to the said charter of said county designated on the ballot as County Proposals "A" to "S" inclusive, and ordered that said proposed amendments be submitted to the qualified electors of said county at the general election to be held in said county on November 2, 1954, which date was fixed by law as the date for holding said general election; and

WHEREAS, Said proposed charter amendments, and each of them, were published 10 times in the Fresno Bee the Republican, a daily newspaper of general circulation printed, published and circulated in said county, to wit: on September 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25, 1954; and

WHEREAS, Said board of supervisors by resolution adopted on the thirteenth day of September, 1954, did order the placing of said proposed charter amendments on the ballot of the general election to be held in the said County of Fresno on the second day of November, 1954, which date was not less than 30 days nor more than 60 days after said publication of such proposals as aforesaid for 10 times in a daily newspaper of general circulation printed, published and circulated in said county as aforesaid; and

WHEREAS, Said general election was held in said County of Fresno on the said second day of November, 1954; and

WHEREAS, Thereafter the County Clerk of said County of Fresno, having been designated in the manner provided by law, did duly and regularly canvass the returns of said election and certify the same to the clerk of the board of supervisors of said county, and said clerk did on the twenty-third day of November, 1954, duly enter on the records of said board of supervisors a statement of the result of said canvass and said election; and

WHEREAS, At said general election held on said second day of November, 1954, said proposed amendments, and each of them, were ratified by a majority of electors of said county voting thereon; and

WHEREAS, Said charter amendments so ratified by the electors of the said County of Fresno are 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. Said amendments so submitted are as follows:

COUNTY PROPOSAL "A"

That Section 4 of the Charter of the County of Fresno be amended to read:

Board of Supervisors' Members

Section 4. The County of Fresno shall have a Board of Supervisors consisting of five members. Each member must be an elector of the district which he represents, must reside therein during his incumbency, must have been such elector therein for at least one year immediately preceding the primary election at which he is a candidate, and shall be elected by the voters of such district. Supervisors shall be nominated and elected at the time and in the manner and for the terms now or hereafter provided by general law.

COUNTY PROPOSAL "B"

That Section 10 of the Charter of the County of Fresno be amended to read:

Conduct of meetings, quorum, etc

Section 10. The Board of Supervisors shall meet at noon on the first day of the new term of any member thereof and shall organize by electing a chairman who shall serve as such until the next such organization meeting and who shall preside at all meetings. In case of his absence or inability to act, the members present must select one of their number to act as chairman pro tem. Any member of the board may administer oaths when necessary in the performance of his official duties. A majority of the members shall constitute a quorum, and no act of the board shall be valid or binding unless a majority of the members concur therein.

COUNTY PROPOSAL "C"

That Section 12 (a) of the Charter of the County of Fresno be amended to read:

Section 12. It shall be the duty of the Board of Supervisors:

Appointment of officers, employees, etc

(a) To appoint or provide for the appointment of all county officers, assistants, deputies, clerks, attaches, and employees whose appointment or election is not otherwise provided by this Charter.

COUNTY PROPOSAL "D"

That Section 12 (b) of the Charter of the County of Fresno be amended to read:

Section 12. It shall be the duty of the Board of Supervisors:

Duties

(b) To provide, by ordinance, for the compensation of elective and appointive officers, assistants, deputies, clerks, attaches, and employees unless such compensation is otherwise fixed by this Charter. In all cases in which an officer is to receive a fixed salary, whether such salary be fixed by this Charter or by the Board of Supervisors, such salary shall be in full compensation for all services by such officer, except in the case of constables as hereinafter provided; and in all cases in which such officer is, by general law, entitled to charge and receive fees or commissions it shall be the duty of such officer to charge, collect and receive such fees or commissions and pay the same monthly to the county treasurer. The compensation of elective officers shall be fixed at least sixty days prior to the primary election at which such officer is a candidate. The compensation of elective officers shall not be increased or diminished after the election of such officer or during his term of office. The Board of Supervisors may allow such additional deputies or assistants as may be necessary and proper, to elective and appointive officers during their term of office, and the Board of Supervisors may also increase or decrease the compensation of deputies or assistants during the term of office.

COUNTY PROPOSAL "E"

That Section 12 (c) of the Charter of the County of Fresno be amended to read:

Section 12. It shall be the duty of the Board of Supervisors:

Number of employees

(c) To provide by ordinance or resolution for the number of assistants, deputies, clerks, attaches, and other persons to be employed from time to time in the several offices and institutions of the County.

COUNTY PROPOSAL "F"

That Section 12 (d) of the Charter of the County of Fresno be amended to read:

Section 12. It shall be the duty of the Board of Supervisors:

(d) To require any county or judicial district officer or employee to give bond for the faithful performance of the duties of his office or employment in such penal sum as may be fixed by the laws of the State of California or the Board of Supervisors. The premium for such bond shall be paid by the County. Bonds of employees

COUNTY PROPOSAL "G"

That Section 12 (f) of the Charter of the County of Fresno be repealed.

COUNTY PROPOSAL "H"

That Section 12 (g) of the Charter of the County of Fresno be repealed.

COUNTY PROPOSAL "I"

That Section 13 of the Charter of the County of Fresno be amended to read:

Section 13. The Board of Supervisors shall establish a County Department of Public Welfare and may in their discretion appoint a Director of Public Welfare who shall have such qualifications as may be prescribed by the Civil Service procedures of the County and who shall manage the Department under the direction and control of the Board of Supervisors. The Department shall administer all federal and state public assistance programs within the County and provide reasonable assistance to indigent persons as provided by the laws of the State of California. Department of public welfare, director of public welfare

COUNTY PROPOSAL "J"

That Section 16 of the Charter of the County of Fresno be amended to read:

Section 16. The appointive County officers shall be: Appointive officers

Members of the Board of Education
Law Library Trustees
Members of the Civil Service Commission
Members of the Planning Commission
Agricultural Commissioner
Probation Officer
County Health Officer
Sealer of Weights and Measures
Commissioner of Public Works

Such other officers as now are or which may be hereafter authorized by the general law of the State of California or this Charter and established in pursuance thereof.

All appointive officers shall have the qualifications and exercise the powers and privileges and perform the duties and functions which now are or which may be hereafter prescribed for their respective offices by the Constitution and laws of the State of California, this Charter, and the ordinances and resolutions of the Board of Supervisors. The Commissioner of Public Works shall be a registered civil engineer of the State of California and shall be ex-officio County Surveyor and Road Commissioner, and as such shall have the powers and privileges and perform the functions and duties which now are or which may be hereafter prescribed for such offices by the Constitution and laws of the State of California, this Charter, and the ordinances and resolutions of the Board of Supervisors.

COUNTY PROPOSAL "K"

That Section 18 of the Charter of the County of Fresno be amended to read:

County planning commission

Section 18. There is hereby constituted for the County of Fresno a County Planning Commission.

Said Commission shall consist of five members to be appointed by the Board of Supervisors, the Commissioner of Public Works, acting ex-officio, and one member of the Board of Supervisors, also acting ex-officio, who shall also be selected by the Board of Supervisors. The members of said Commission shall have jurisdiction over all matters of County planning now or hereafter provided by general law, provided, however, that it shall not be mandatory upon them to recommend any zoning ordinance or prepare any master plan, major traffic street plan, districting plan, transportation plan, transit plan, park or recreational system plan, or group building plan. The planning commission shall have no power to make any expenditures for county planning without the approval of the Board of Supervisors. The acceptance or rejection of plans so proposed by the county planning commission shall rest in the sole discretion of the Board of Supervisors.

COUNTY PROPOSAL "L"

That Section 23 of the Charter of the County of Fresno be amended to read:

Vacancies

Section 23. Except as provided by the laws of the State of California, whenever a vacancy occurs in any elective county or judicial district office, the Board of Supervisors shall fill such vacancy and the appointee shall hold office for the full unexpired term of his predecessor and until his successor is elected and qualified.

COUNTY PROPOSAL "M"

That Section 27 of the Charter of the County of Fresno be amended to read:

Section 27. Each County and judicial district officer, board and commission shall have the powers and perform the duties now or hereafter prescribed by general law and by this Charter. Powers and duties of officers and employees

COUNTY PROPOSAL "N"

That the Charter of the County of Fresno be amended by eliminating the words "township officers" as they appear therein immediately preceding Section 30 thereof and that Sections 30 and 31 of said Charter be repealed. Township officers, repeal

COUNTY PROPOSAL "O"

That Section 32 of the Charter of the County of Fresno be amended to read:

Section 32. Constables shall be nominated and elected at the times and in the manner and for the terms now or hereafter provided by general law. The commencement of such elective terms shall be as is now or hereafter provided by general law, and all constables now holding such offices by appointment shall remain in such offices until the election and qualification of their successors. Constables shall have the qualifications now or hereafter required by general law. Constables

Constables shall be permitted to retain for their own use, fees collected by them for service of process in civil actions, and in addition thereto, the Board of Supervisors shall fix the compensation for all other services required of them, but said compensation need not be uniform in the several districts nor proportionate to the population therein. It shall be the duty of the constable of each district to make semi-annual reports on the first day of January and the first day of July to the Board of Supervisors and the Auditor of the total amounts collected in the service of Civil Process and the Auditor shall withhold the payment of the salary of any constable until this provision is complied with.

COUNTY PROPOSAL "P"

That Section 35 of the Charter of the County of Fresno be amended to read:

ANNUAL AUDIT OF ACCOUNTS:

Section 35. Before the beginning of each fiscal year the Board of Supervisors shall employ, at a stipulated compensation an accountant or accountants, who shall examine the books, records and reports for the preceding fiscal year, of all county and judicial district officers and employees, and make duplicate reports of his or their findings thereon, one of which shall be filed with the Board of Supervisors and one Audits

given to the Auditor. Such accountant or accountants shall have unlimited privilege of investigation, and the same powers with regard to compelling the attendance of witnesses, the production of books and papers, and the administering of oaths as are conferred on the Board of Supervisors. Every county and judicial district officer and employee shall give all required assistance and information to such accountant or accountants, and submit to him or them for examination such books and papers of his office as may be requested, and failing to do so may be removed from office. Each Grand Jury of the County of Fresno shall have the power to make an examination of the books, records and accounts of all officers of the County in the manner and subject to the limitations thereon prescribed by the laws of the State of California, and in the event the Grand Jury employs expert auditors for this purpose in the manner prescribed by law, the Board of Supervisors shall not be required to employ accountants for an examination of the books, records and reports as in this section provided.

COUNTY PROPOSAL "Q"

That Section 40 of the Charter of the County of Fresno be amended to read:

Holding other public office

Section 40. Except by consent of the Board of Supervisors given by unanimous vote, no elective or appointive officer or employee who receives compensation as such shall hold any other public office of profit, as said term is herein defined, except the office of notary public, or an office in the National Guard of the State of California, or an office in any reserve military or naval force of the United States Government. By the term "public office of profit" as used herein is meant any public office with a salary or compensation attached thereto of more than twenty-five dollars a month.

COUNTY PROPOSAL "R"

That Section 42 of the Charter of the County of Fresno be repealed.

COUNTY PROPOSAL "S"

That Section 44 2 (a) of the Charter of the County of Fresno be amended to read:

Civil Service Commission

Section 44 2. Such ordinance shall provide for: (a) A Civil Service Commission of five electors holding no other public office serving staggered terms of four years with such assistants and quarters as are necessary, and for authority in such commission to set up a system of civil service rules for exami-

nations, certification, appeal procedure and other necessary details.

STATE OF CALIFORNIA }
COUNTY OF FRESNO } ss.

Certificate

We, the undersigned, Lew W. Clark, Chairman of the Board of Supervisors of the County of Fresno, State of California, and J. L. Brown, County Clerk and ex officio clerk of the Board of Supervisors of said County of Fresno, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of Fresno were duly submitted to the electors of said county at the general election held in said county on the 2nd day of November, 1954; that such amendments are true and correct as submitted and ratified as aforesaid, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are, and each of them is, true.

IN 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 Fresno this 4 day of January, 1955.

LEW W. CLARK
(SEAL) Chairman of the Board of Supervisors of the County of Fresno, State of California.
J. L. BROWN
County Clerk and ex-officio Clerk of the Board of Supervisors
By GEO. M. FURNEAUX
Deputy

ATTEST:
J. L. BROWN, County Clerk of the County of Fresno, State of California

WHEREAS, Said proposed amendments to the charter of the County of Fresno, so ratified by a majority of the electors voting thereon at said general election held on November 2, 1954, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

Resolved, by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting for the adoption of this resolution and concurring therein, That said amendments to the charter of the County of Fresno, as proposed by the Board of Supervisors of said County of Fresno and as ratified by the electors of the said County of Fresno, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as part of, the charter of the County of Fresno.

CHAPTER 24

Assembly Concurrent Resolution No. 19—Approving a certain amendment 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 special municipal election consolidated with the primary state election held therein on the eighth day of June, 1954.

[Filed with Secretary of State, January 13, 1955.]

City of Los Angeles, Charter amendment

WHEREAS, Proceedings have been taken and had for the adoption and ratification of an amendment, 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 AMENDMENT TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

Certificate

We, John S. Gibson, Jr., 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 nine 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, a certain proposal for the amendment of the Charter of said City to be voted upon by said qualified electors at a certain special

municipal election consolidated with the Primary State Election called and held for that purpose in said City on the eighth day of June, 1954, all as required by law.

That on the 28th day of April, 1954, the said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of April 28, 1954, in "The Los Angeles Daily Journal", 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 amendment 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 28, 1954, to and including June 8, 1954; and a notice was advertised and published on and from April 28, 1954, to and including June 8, 1954, in "The Los Angeles Daily Journal", 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 amendment was submitted to the electors of said City for adoption and ratification at a special municipal election consolidated with the Primary State Election, held on June 8, 1954, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendment aforesaid.

At said election a majority of the qualified electors voting upon said proposed charter amendment voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the Registrar of Voters of the County 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 July 13, 1954, 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 Registrar of Voters.

That the said amendment 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, is in words and figures as follows:

PROPOSED CHARTER AMENDMENT "G"

Section 170 of the Charter of the City of Los Angeles is amended by amending subsection (c) thereof, to read as follows:

Operation, management, etc., of municipal auditoriums, etc

(c) The Department of Recreation and Parks shall operate, manage, and control any municipal auditorium, municipal auditorium center, arena, or sports center, and the facilities

in connection therewith, 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.

Lease of auditoriums, etc., by board of recreation and park commissioners

The Board of Recreation and Park Commissioners may lease in whole or in part as set forth herein, any such municipal auditorium, municipal auditorium center, arena, or sports center, or the facilities in connection therewith. The term of any such lease shall not exceed thirty-five years. Leases in excess of five years shall be approved by the Council by ordinance. Each lease shall provide that the lessee must operate the property or facility 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 or facility so leased for the purposes for which it was acquired, constructed or completed. The Board of Recreation and Park Commissioners may 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, or municipal auditorium center, or the facilities in connection therewith, 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. The expense of operation, management, maintenance and improvement of any such municipal auditorium, or municipal auditorium center, or the facilities in connection therewith, shall be defrayed solely from the Auditorium Revenue Fund and the revenues or other moneys paid into the same or credited thereto. Moneys in the Auditorium Revenue Fund shall be appropriated or used only as follows:

First: For the necessary expenses of operating, managing, maintaining and improving any such municipal auditorium, or municipal auditorium center, or facilities in connection with any such municipal auditorium, or municipal auditorium center, 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, or municipal auditorium center, or facilities in connection therewith.

Third: 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 amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct, complete and exact copy thereof. That as to said amendment, 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 21st day of December, 1954.

(SEAL)

JOHN S. GIBSON, JR.
President of the City Council
of The City of Los Angeles
WALTER C. PETERSON
City Clerk of The City of Los
Angeles

WHEREAS, The said proposed amendment 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 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 amendment 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 is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as a part of the charter of the said The City of Los Angeles.

CHAPTER 25

Assembly Concurrent Resolution No. 21—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 second day of November, 1954.

[Filed with Secretary of State, January 13, 1955.]

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, Clarence A. Winder, 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. 4339 adopted by said board on the 7th day of September, 1954, duly and regularly proposed that there be submitted to the qualified electors of the City of Pasadena a certain proposal for the amendment of the Charter of said city, designated as Proposition "II", to be voted upon by said qualified electors at a special election called and held for that purpose in said city on the 2nd day of November, 1954. That said election was duly and regularly called, authorized and provided for by said Board of Directors by Ordinance No. 4340 adopted on the 7th day of September, 1954, which said ordinance called said special election, for the submission of said amendment, to be held in said city on the 2nd day of November, 1954, 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 2nd day of November, 1954, 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.

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 8th day of September, 1954, in the Pasadena Star-News, 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 Star-News, 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 2nd day of November, 1954, 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 30th day of November, 1954, did certify to the Board of Directors of the City of Pasadena the result of such canvass; that said Board of Directors on the 7th day of December, 1954, 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:

That the Charter of the City of Pasadena be amended by amending Section 9 of Article 6 thereof and that portion of Section 10 of Article 6 thereof preceding the definition which reads "'Employee' shall mean 'officer or employee.'", and Sections 12 and 14 of Article 6 thereof to read as follows:

Retirement Actuarial tables, rates, etc

"Section 9. Actuarial Tables, Rates and Valuations. The mortality, service and other tables and rates of contribution for members as recommended from time to time by the actuary and the valuations determined by him from time to time and approved by the Retirement Board shall be final and conclusive and the Retirement System shall be based thereon. The total amount, as determined by the actuary and approved by the Retirement 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. Liabilities accruing under the Retirement System because of service rendered to the city prior to July 1, 1935, and because of deaths and disability retirement of members, not met by members' contributions, and administrative costs under the System, shall be met by contributions to the Retirement Fund by the city, in addition to any amounts contributed to meet liabilities accruing because of service rendered by persons after becoming members of the System, provided that such prior service liabilities may be met by annual appropriations instead of by one appropriation for the total amount of the liabilities; and provided further, that such appropriation for any one year shall be not less that the total amounts disbursed during that year on account of either or both of (a) prior service, and (b)

death and disability benefits not provided by members' contributions.

"In addition to other contributions required of the city under the System, the city shall contribute to the Retirement Fund such sums as may be necessary when added to the members' contributions provided for in Section 14 of this Article, to provide that portion of service retirement allowances, including continuances of such allowances, which is based on service rendered after June 30, 1935. Such sums 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 members' compensation paid during said year, said percentage to be the ratio of the value at the effective date hereof or at the date of the last valuation prior to said date, or at the later date of a periodical actuarial valuation and investigation into the experience under the System as provided by the Charter and by ordinance, of such allowances thereafter to be paid to or on account of persons who were members, from contributions of the city, less the amount of such contributions, with accumulated interest thereon, then held by said System to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value at said respective dates of compensation thereafter payable to said members. 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 before retirement and of death after retirement. Said percentage shall be changed by the Board on the basis of said values determined in said periodical actuarial valuation and investigation into the experience under the System. The percentage to be used shall be ten and sixty-six hundredths percent (10.66%) until redetermined by the Retirement Board on the basis of the periodical investigation and actuarial valuation under the System.

"Periodically, at periods fixed by the legislative body, the Retirement Board shall make an actuarial investigation into the mortality, service and other experience under the System, and, further, shall make an actuarial valuation of the assets and liabilities of the System, and upon the basis of such investigation and valuation as interpreted by the actuary, any necessary revision of the tables and rates being used under the System shall be made by the Retirement Board. No adjustment will be included in members' new rates of contribution resulting from said periodical investigation, Charter or ordinance amendments, or other cause, for time prior to the effective date of such new rates.

"This amendment shall become effective and operative on the first day of July, 1955.

Definitions

"Section 10. Definitions. 'Compensation', as distinguished from benefits under the Workmen's Compensation, In-

surance and Safety Act of the State of California, shall mean the remuneration prescribed by the city in cash, without deduction except for absence from duty, for time during which the individual receiving such remuneration is in the employ of the city in either or both the Fire and Police Departments. Compensation based on overtime put in by a member shall be excluded from all computations in which compensation is a factor.

" 'Service' shall mean time during which an individual is employed in either or both the Fire and Police Departments of the city for compensation. Absence from duty without compensation due to any cause other than disability retirement as hereinafter provided, shall not be deemed service for the city. The legislative body, however, may fix the number of months per year to be required for a year of service and proportionate parts thereof, but not more than one year shall be credited for all service in any year.

" 'Compensation earnable' shall mean the compensation as determined by the Retirement Board, which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates attached to the ranks or position held by him during such period. The computation for any absence of a member shall be based on the compensation earnable in the rank or position held by him at the beginning of the absence, and that, for time prior to becoming a member of the Fire or Police Department, shall be based on the compensation earnable by him in the rank or position first held by him in such Department.

" 'Retirement allowance', 'death allowance' or 'allowance' shall mean equal monthly payments for life unless a different term of payment is provided by the context, provided that any person to whom or on whose account benefits are payable, may elect to have the actuarial equivalent of that portion of such benefits which is not continued automatically to his surviving wife or children, paid in different form, all subject to such restrictions, regulations and conditions as may be prescribed by the legislative body, but the action of the legislative body shall not prevent such benefits when elected by a member, from taking the form of cash refund annuities, as applied to the member's accumulated contributions only, or reversionary annuities, these terms to have the meaning commonly accepted in standard life insurance practice.

" 'Annuity' shall mean equal monthly payments for life, unless a different term of payment is provided by the context, derived from contributions made by the member.

" 'Final compensation' shall mean the highest average monthly compensation earnable by a member during any period of five consecutive years. In the calculation of 'final compensation', periods of service separated by breaks in service may be aggregated to constitute a period of five consecutive years, if the periods of service are consecutive except for such

breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in the computation of final compensation. If a break in service exceeded six month in duration, only the first six months thereof and the compensation earnable during those six months shall be included in the computation of final compensation. For the purposes of this paragraph, absence from duty without compensation, because of disability retirement, is not a break in service.

"This amendment shall become effective and operative on the first day of July, 1955."

Reduction of benefits

"Section 12. Reduction of Benefits. That portion of any allowance or other benefit which is provided by contributions of the city, payable by the Retirement System because of the death or retirement of any member, shall be reduced, in the manner fixed by the legislative body, by the amount of any benefits payable to or on account of such member, under the Workmen's Compensation laws of the State of California, because of his death or the disability resulting in his retirement except that benefits included and payable under such Workmen's Compensation laws for medical, surgical, and hospital treatment, and expenses of burial and attorney's fees, shall not be deemed benefits hereunder. In like manner said portion shall be reduced by the amount of any pension, except social security payments or pensions paid on account of service in the military or naval forces of the United States, paid to or on account of the death of such member, from funds of the United States, State of California or any political subdivision thereof, on account of, or on the basis of service credited under the Retirement System.

"This amendment shall become effective and operative on the first day of July, 1955."

Benefit and contribution requirements

"Section 14. Benefit and Contribution Requirements. Persons who shall be members of the Fire or Police Departments on the effective date hereof shall become members of the Retirement System upon such date, and persons who shall become members of the Fire or Police Departments after the effective date hereof, shall become members of the Retirement System forthwith, subject to the following provisions, in addition to the provisions contained in Sections 7 to 12, both inclusive, of this Article.

"(a) Members of the Retirement System may retire for service at their option upon attaining age fifty-one but only after rendering at least twenty years of service. Upon such retirement, a member shall receive a retirement allowance calculated as provided in subsection (b) of this section, except that if a member retires before attaining age fifty-five, his retirement allowance shall be reduced to that amount which the value at his retirement of such retirement allowance deferred to age fifty-five, will provide at his age at the time of such retirement. Any provision of subsection (b) of this section inconsistent with the sentence immediately preceding is

hereby superseded for the purpose of interpreting said sentence.

"Dismissal of a member from service for any cause after he has qualified as to age and service for service retirement shall not deprive such member of the right to retire for service.

"Any member of the System shall be retired for disability, regardless of age or amount of service, if incapacitated for the performance of duty as the result of an injury or illness incurred in the performance of duty. Any member incapacitated for the performance of duty by reason of a cause not included under the provisions of the immediately preceding sentence, shall be retired regardless of age but only after ten years of service to the city in either or both of said departments.

"Retirement shall be compulsory at the age of sixty years, provided that a chief of the Fire Department or a chief of the Police Department, who attains the age of sixty years, as a member of the System, may be retained in service as such chief, at the option of the City Manager, but such retention shall not extend beyond the age of sixty-five years. Such retained chief shall continue to be a member of the Retirement System.

"(b) Upon retirement for service, a member shall receive a service retirement allowance equal to the same percentage of his final compensation for each year of service rendered by him in the Fire or Police Department, as the contributions of the member and the city are calculated to provide upon retirement for service at fifty-five years of age, or upon completion of twenty years of service at an age higher than fifty-five years, for each year of service as a member. Upon the death of the retired member, two-thirds of the retirement allowance shall be continued throughout life or until remarriage, to his surviving wife, to whom he was married at least one year prior to his retirement, provided said wife is of the same age as said member. If said surviving wife is of a greater or less age than said member, then such portion of the retirement allowance shall be continued to her throughout her life or until her remarriage, as the amount which would have been necessary at retirement to provide for the continuance after said member's death of two-thirds of the entire allowance to a surviving wife of the same age as the said member, will provide when applied at the time of retirement, according to tables and rates recommended by the actuary and approved by the Retirement Board, to provide a retirement allowance to begin at the death of the retired member and continue throughout the life of the surviving wife. If there be no surviving wife or if she die before any child of such deceased member shall have attained the age of eighteen years, then the allowance which would have been paid to her had she 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 attaining the age of eighteen years.

If payment of the allowance be stopped because of marriage of the widow or attainment of the age of eighteen years by a child before the sum of the monthly payments made shall equal the sum of the retired member's dependent contributions, with interest thereon, as it was at his retirement, then an amount equal to the difference between said sums shall be paid in one amount to the married widow, or if there be no widow, to the surviving children of the deceased member, share and share alike, provided that this sentence shall be of no effect if there be no wife at the time of retirement who qualifies for the continuance of an allowance to her after the death of the said member.

"Upon retirement for disability resulting from injury or illness incurred in performance of duty, a member shall receive a disability retirement allowance of fifty per centum of his final compensation. Upon the death of the retired member, the retirement allowance shall be continued, throughout life or until remarriage, to the surviving wife, to whom he was married at least one year prior to his retirement. If there be no surviving wife or if she die before any child of such deceased member shall have attained the age of eighteen years, then the allowance shall be continued 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 attaining the age of eighteen years. If payment of the allowance be stopped because of marriage of the widow or attainment of the age of eighteen years by a child before the sum of the monthly payments made shall equal the sum of the retired member's dependent contributions, with interest thereon, as it was at his retirement, then an amount equal to the difference between said sums shall be paid in one amount to the married widow, or if there be no widow, to the surviving children of the deceased member, share and share alike, provided that this sentence shall be of no effect if there be no wife at the time of retirement who qualifies for the continuance of an allowance to her after the death of the said member.

"Upon retirement for disability resulting from any cause not included in the immediately preceding paragraph, a member shall receive a disability retirement allowance of one and one-half per centum of his final compensation multiplied by the number of years of service in either or both the Fire and Police Departments credited to him, if such allowance exceeds one-fourth of his final compensation; otherwise one and one-half per centum of his final compensation multiplied by the number of years which would be creditable to him were his service to continue until his attainment of the age of fifty-five years, but such allowance shall not exceed one-fourth of his final compensation.

"If the disability for which a member was retired shall cease, his allowance shall cease, and he shall be reinstated at the rank and in a position of the same grade as that he occupied at the time of his retirement. His individual account shall

be credited with an amount which is the actuarial equivalent of his annuity at that time, as based on a disabled life, but not exceeding the amount of his accumulated contributions at the time of his retirement for disability. The amount so credited to his individual account shall be administered as contributions deducted from the member's compensation. Upon retirement at any time thereafter, he shall receive credit as service for the time during which he was retired for disability, but he shall not be required to make contributions for such time. If following reinstatement, he does not enter upon the duties of his position, and is not qualified for service retirement, he shall be subject to subsection (e) of this Section 14.

"To the allowances provided in this section, shall be added the annuity which the accumulated additional contributions of the retiring member will provide when applied in the same manner as his normal contributions.

"(c) Upon the death of a member, before retirement and except as provided in subsection (e) of this Section 14, the Retirement System shall be liable for a death benefit, which, if an amount be due under either paragraph (3) or paragraph (4) next following, and if there be a surviving wife or surviving children, shall be paid in monthly installments and to the surviving wife and children as prescribed therein, otherwise the amounts due under paragraphs (1) and (2) shall be paid as prescribed therein, and such death benefit shall consist of:

"(1) His accumulated contributions, to be paid to his estate or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the Retirement Board, and in addition thereto,

"(2) An amount equal to his compensation earnable during the six months immediately preceding his death to be paid only to his surviving wife, his child or children or his dependent father or mother, and if in the opinion of the Retirement Board, death be the result of injury or illness incurred in the performance of duty, in addition thereto,

"(3) An amount sufficient, when added to the amounts provided in (1) and (2) but excluding his accumulated additional contributions, to provide when applied according to tables and rates recommended by the actuary and approved by the Retirement Board, a monthly death benefit allowance, equal to one-half of his final compensation, to be paid to the surviving wife to whom said member was married at the time of sustaining the said injury, to continue throughout her life or until her remarriage; or if there be no widow, or if the widow die before any child of such deceased member shall have attained the age of eighteen years, then 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 attaining the age of eighteen years. If payment of the allowance be stopped because of marriage of the widow or attainment of the age

of eighteen years by a child before the sum of the monthly payments shall equal the sum of the amounts provided in the next preceding paragraphs (1) and (2), then an amount equal to the difference between said sums shall be paid in one amount to the married widow, or if there be no widow, to the surviving children of the deceased member, share and share alike. If, in the opinion of the Retirement Board, death be not the result of injury or illness incurred in the performance of duty, and if said member be qualified at the date of death for retirement for service under subsection (a) of this Section, then, at the option of the qualifying surviving wife, in addition to the amounts provided in said paragraphs (1) and (2),

"(4) An amount sufficient, when added to the amounts provided in said paragraphs (1) and (2), but excluding his accumulated additional contributions, when applied according to the tables and rates recommended by the actuary and approved by the Retirement Board, to provide an allowance to be paid to the surviving wife to whom said member was married at least one year prior to his death, to be equal in amount to the allowance which would have been payable to her if the said member had retired for service at the time of his death and had died instantly thereafter, and to continue throughout her life or until her marriage, or if there be no surviving wife, or if she die before any child of such deceased member shall have attained the age of eighteen years, then 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 attaining the age of eighteen years. If payment of the allowance be stopped because of marriage of the widow or attainment of the age of eighteen years by a child before the sum of the monthly payments made shall equal the sum of the amounts provided in the next preceding paragraphs (1) and (2), then an amount equal to the difference between said sums shall be paid in one amount to the married widow, or if there be no widow, to the surviving children of the deceased member, share and share like.

"(d) The normal contributions which shall be derived by the application of the member's rate of contribution to his compensation, and shall be required as a deduction from the compensation of each member throughout his membership shall be such as, on the average for such member, if his service on full salary be uninterrupted and when accumulated with interest, added to equal accumulated contributions of the city and applied according to the tables and rates recommended by the actuary and approved by the Retirement Board as hereinbefore provided, will provide a retirement allowance upon retirement for service at the age of fifty-five years, or upon completion of twenty years of service at an age higher than fifty-five years, equal to one-half of his final compensation, less that part of the retirement allowance set

forth in the first sentence of subsection (b) of this Section 14, which is to be provided by contributions of the city on account of service rendered prior to July 1, 1935.

"The dependent contributions which shall be derived and required in the same manner as normal contributions of each male member throughout his membership in addition to the normal contributions, shall be such as would be necessary to provide on the average for each such member, on the date of his service retirement at fifty-five years of age, or upon completion of twenty years of service at an age higher than fifty-five years, when accumulated with interest and applied according to the tables and rates recommended by the actuary and approved by the Retirement Board, for the continuance after his death and throughout the life of a surviving wife whose age at such date is the same as the age of said member, of two-thirds of the retirement allowance provided by his accumulated normal contributions upon said retirement at fifty-five years of age, or at said higher ages. If at the date of retirement for service or retirement for disability resulting from injuries received in performance of duty, said member has no wife who qualifies under this Charter for the continuance of an allowance to her after the death of said member, or upon retirement for disability resulting from other causes regardless of his marital condition, the said dependent contributions with accumulated interest thereon shall be paid to him upon said date, or at his option, applied in the same manner as additional contributions, to provide for him an annuity which shall be added to his retirement allowance.

"Members may make contributions in addition to and in the same manner as the normal and dependent contributions provided for in the two immediately preceding paragraphs, to provide additional benefits, but the city shall not contribute any amount on account of such members' additional contributions. Such additional contributions shall be administered in the same manner as the normal contributions.

"(e) Should any person who is a member under the provisions of this Section be separated from service of the city through any cause other than death or retirement, then all of his contributions, with interest, shall be refunded to him, provided that if such a member is entitled to be credited with at least ten years of service, he shall have the right to elect, without right of revocation and within ninety days after said termination of service, whether to allow his accumulated contributions to remain in the Retirement Fund. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A member whose membership continues under this section is subject to the same age requirement as applies to other members for service retirement, but he is not subject to a minimum service requirement. After the qualification of such member for retirement by reason of age for retirement for service, and only then, he shall be entitled to receive a retirement allowance based upon

the amount of his accumulated contributions and service standing to his credit at the time of retirement and on the employer contributions held for him, and calculated in the same manner as for other members. Upon the death of such a member prior to retirement under this section, the Retirement System shall be liable for a death benefit consisting of his accumulated contributions, to be paid to his estate or to such persons having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the Retirement Board. If he shall again become a member of the Retirement System, he shall deposit in the Retirement Fund, the amount refunded to him plus an amount equal to the additional interest that would have been credited to his account had such contributions not been withdrawn. His rate of normal contribution for the future shall be based on an age determined by adding the number of completed years of his absence from membership in the System after the earliest termination of his membership included in such election and payment, to the age upon which his normal rate of contribution, as it was prior to such termination, was based. The same percentage of his final compensation per year of service which, prior to such termination, his contributions and those of his employer were calculated to provide upon retirement for service at his lowest optional service retirement age without reduced benefit, shall be used in the calculation of his normal rate of contribution at reinstatement.

"(f) The contributions made under this section shall be credited to the individual account of the member from whose compensation they were deducted, and no amendment to this Charter or repeal thereof shall prevent the payment to the member or his beneficiary, of such contributions made prior to the effective date of such amendment, with interest, upon separation, by other than retirement, from service of the city as provided in this Section, or the application of such contributions, with interest, toward providing the member's retirement or death allowance, as the case may be.

"(g) Every retirement and death allowance payable for time commencing on said effective date, to or on account of a person who died as a member or retired on or after July 1, 1935, and prior to the effective date of this section, is hereby increased to the amount it would be if the provisions of Section 14 as they exist on said effective date, had been in effect on the date of the actual death or retirement of such person. This subsection does not authorize any decrease in any such allowance, nor does it give any person whatever, any claim against the Retirement System for any increase in any allowance paid or payable for time prior to its effective date. Calculation of allowances under this section shall be made on the basis of current interest rate and mortality tables.

"This amendment shall become effective and operative on the first day of July, 1955."

That we have compared the foregoing amendment with the original proposal proposed by said Ordinance No. 4339 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 14th day of December, 1954.

(SEAL)

CLARENCE A. WINDER
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

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 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.

CHAPTER 26

Assembly Concurrent Resolution No. 22—Relative to the approval of that certain amendment to the charter of the City of Alhambra ratified by the qualified electors of said city at a special municipal election held thereon on the eighth day of June, 1954.

[Filed with Secretary of State, January 13, 1955]

City of Alhambra Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of that certain amendment to the charter of the City of Alhambra, a municipal corporation of the County of Los Angeles, as hereinafter set forth in the

certificate of the President of the City Commission and the City Clerk of the City of Alhambra, as follows; to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALHAMBRA OF THAT CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF ALHAMBRA

Certificate

We, the undersigned, T. D'Arcy Quinn, President of the 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).

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. 16174, Resolution No. 16175 and Resolution No. 16176, adopted on the 6th day of April, 1954, 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 No. 1, Proposed Charter Amendment No. 2 and Proposed Charter Amendment Number 3, respectively, 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 8th day of June, 1954; that said proposed amendments were, on April 21, 1954, published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Post-Advocate", and in all the editions thereof issued during such day of publication, said "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 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. 2610 and 2611 order the holding of a General and Special Municipal Election in said City of Alhambra on June 8th, 1954, 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, resolutions and ordinances, the said proposed amendments were submitted to the qualified electors of said City for their ratification on said June 8th, 1954, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify the proposed Amendment No. 2 to the Charter of said City; that proposed Amendments Nos. 1 and 3 were not ratified.

That the City Commission of the City of Alhambra, in accordance with the law in such cases, made and provided, did meet on the 15th day of June, 1954, 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. 2 of the Charter of the City of Alhambra was ratified by a majority of the electors of said City voting thereon.

That the said amendment to the Charter so ratified by the electors of the City of Alhambra is in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT NO. 2
(Changes the first sentence of Sec. 165 of Art. XXII)

Article XXII

Recall petition

"Section 165. A petition signed by qualified electors equal in number to twenty-five per cent. of the total vote cast at the last preceding general municipal election, requesting the calling of an election to determine whether the incumbent of an elective office shall be removed, shall be addressed to the commission and presented to the city clerk."

(Changes the first sentence of Sec. 179 of Art. XXIII)

Article XXIII

Action by commission Initiative measures

"Section 179. Upon presentation to the commission of such petition, signed and verified by qualified electors in number equal to fifteen per cent. of the total vote cast at the last preceding general municipal election, asking for the submission to the electors of an ordinance that the commission itself might adopt, it must either adopt and enact such measure without alteration, or submit the same to the electorate at the next city

election occurring subsequent to sixty days after the filing of said petition."

(Changes the second sentence to the first semicolon of Sec. 189 of Art. XXIV)

Article XXIV

"Section 189. * * * At the expiration of said thirty day period, such ordinance shall be in force and effect, unless within such period there shall be filed with the city clerk a petition signed by qualified electors equal in number to fifteen per cent. of the total vote cast at the last preceding general municipal election, praying that such ordinance be submitted to a vote of the electors and thereupon such ordinance shall be suspended from operation and it shall be the duty of the commission to reconsider such ordinance." Effective date of ordinance

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendment to such charter are true.

That as to the said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the corporate Seal of the City of Alhambra to be affixed hereto this 15th day of June, 1954.

T. D'ARCY QUINN
(SEAL) 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 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 the members elected to each house voting therefor and concurring therein. That the aforementioned amendment to the charter of the City of Alhambra as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration for and as amendment to and as part of the charter of the City of Alhambra. Approval

CHAPTER 27

Assembly Concurrent Resolution No. 24—Approving amendments to the charter of the City of Redwood City, a municipal corporation in the County of San Mateo, State of California, voted for and ratified by the qualified electors of said city at a regular municipal election held therein on April 13, 1954.

[Filed with Secretary of State, January 13, 1955]

City of Redwood City· 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 Redwood City, a municipal corporation in the County of San Mateo, State of California, as set out in the certificate of the mayor and city clerk of said city as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF SAN MATEO } ss:

Certificate

We, the undersigned, S. D. Herkner, Mayor of the City of Redwood City, State of California, and R. S. Dodge, City Clerk of said City, do hereby certify as follows:

That the City of Redwood City, a municipal corporation in the County of San Mateo, 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 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 and approved by the legislature of the State of California.

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 Redwood City, 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 April 13, 1954.

That said proposed amendments were duly and regularly submitted to the qualified electors of the City of Redwood City in the manner provided in Section 8 of Article XI of the Constitution of the State of California, and that said regular municipal election was duly and regularly held in the City of Redwood City, after due notice given and published, on April 13, 1954, 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 proposed Charter Amendments in the manner required by Section 8 of Article XI of the Constitution of the State of California.

That the returns of said election were 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 Redwood City 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. 1680 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 Charter Amendments to the Charter of the City of Redwood City so ratified by the electors of said City are in words and figures as follows, to wit:

CHARTER AMENDMENT NO. 1

Shall proposed Charter Amendment No 1 amending Section 3, adding Section 3½ and amending Section 48a of the Charter of the City of Redwood City, California, to provide for a general statement of the powers of the City and to provide for the sale and leasing of property, including property within the Port Area, be approved?

That the specific provisions of said Charter Amendment No. 1 are as follows:

Powers of city

Section 3. Powers: The city shall have all the powers heretofore claimed or exercised by the city, shall have all the powers granted to municipal corporations and to cities by the constitution and general laws of this state, together with all the implied powers necessary to carry into execution all the powers granted, and shall retain all rights, interests, powers and privileges heretofore gained by the city or any of its departments, boards, commissions or instrumentalities by virtue of any grant or law or by any judicial interpretation of any such grant or law. The city may acquire property within or without its corporate limits for any city purpose, and may manage, control and dispose of such property as its interests may require; and, except as prohibited by the state constitution or restricted by this charter, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers which, under the state constitution, it would be competent for this charter to enumerate.

Sales of property

Section 3½. Sales of Property: No sale of real property shall be authorized except by resolution passed by the affirmative vote of five-sevenths (5/7) of all members of the City Council.

Before any lease of any real property may be made, public notice stating generally the time and the conditions of such proposed lease shall be given at least once a week for two weeks in the official newspaper, and such lease shall be made to the highest responsible bidder only at public auction or upon sealed bids to the city council or the port commission, as the case may be; provided, however, that no sale of any city property shall be made until an appraisal of said property has been made and such sale shall be made to the highest bidder only at public auction or upon sealed bids to the council or port commission, and for not less than 90% of such appraised value; provided further, that any property having an appraised value of two hundred fifty dollars or less may be sold without the necessity of the notice hereinbefore provided, and the city assessor shall be the appraiser who shall determine the value, which assessor shall have the right, with the approval of the Council of Redwood City, or the Port Commission, as the case may be, to obtain other competent persons to assist him in appraising.

No lease of city property shall be made for a term longer than ten (10) years excepting that real property in the port area may be leased for a term not exceeding fifty (50) years.

Lease of property within port area

Section 48a. The Board shall not make or enter into any lease of any property belonging to or possessed by the City of Redwood City within the "Port Area" except in accordance with the manner and subject to the provisions of Section 3½ of this Charter, and all powers and duties therein imposed upon the Council are hereby conferred and imposed upon the Board in respect to property under its jurisdiction, and provided further that all leases made shall be subject to the referendum provision of this Charter.

CHARTER AMENDMENT NO. 4

Shall proposed Charter Amendment No. 4 amending Section 17 of the Charter of the City of Redwood City to provide for seven members of the Planning Commission and fixing their terms at three (3) years, be approved?

That the specific provisions of said Charter Amendment No. 4 are as follows:

Planning commission

Section 17. Planning Commission: There shall be a city planning commission, which shall consist of seven members, who shall be appointed by the council, to serve for three years each, without compensation, none of whom shall hold any other public office or position in the city. The commission shall elect its chairman from among its members. Neither the City Attorney, the City Engineer nor any deputy or assistant of either of them shall have the right to vote or enter into deliberations but shall be present in an advisory capacity only.

This commission shall be governed by the general laws of the state relating to planning commissions, and shall have and exercise all powers and duties which are now or may hereafter

be granted to or imposed upon said commission, or department, and such additional powers and duties as may be granted or imposed by ordinance.

The members of the present city planning commission in office at the time of this charter taking effect shall continue in office until the end of the terms for which they have been respectively appointed.

CHARTER AMENDMENT NO. 5

Shall proposed Charter Amendment No. 5 amending Section 18 of and adding new Sections 19, 19½ and 20, to the Charter of the City of Redwood City to provide for the appointment of a library board, establish the powers of said library board, require said board to furnish a budget to the City Manager and providing for the disposition of library moneys, be approved?

That the specific provisions of said Charter Amendment No. 5 are as follows:

Section 18. Library Board: (a) There shall be a Library Board consisting of five members to be appointed by the City Council. (b) All members of such Board shall at the time of their appointments and continuously during their incumbency be electors of the City. (c) Any member of such Board may be removed at any time by an affirmative vote of five-sevenths (5/7) of all members of the City Council. (d) The members thereof shall serve for a term of three years and thereafter until their respective successors are appointed and qualified. (e) The members of such Board shall receive no compensation. Library board

Section 19. Library Board—Powers: The Library Board shall have the power: Powers

(a) To establish rules for its proceedings, appoint, discipline and remove, subject to Civil Service provisions, such officers and employees as may be provided for by the Council and exercise all authority and perform all duties prescribed by this Charter or by ordinance.

(b) To control and manage the Public Library System of the City.

(c) To expend for library purposes all moneys in the Library Fund received by the city from the special levy for the maintenance and support of a public library system.

(d) To make and enforce rules and regulations necessary for the administration, government and protection of the Library System.

(e) To purchase necessary books, journals, publications, and other personal property.

(f) To borrow books from, rent books to, and exchange the same with other libraries and to extend library privileges to non-residents upon such conditions as the Board may prescribe.

(g) To appoint and remove at its pleasure a librarian who shall be the chief executive officer of the Public Library System.

Section 19½. The Library Board shall furnish to the City Manager prior to the third Monday in April of each year a proposed budget in a form prescribed by the City Manager. The Council shall have the power to modify or alter such budget in any respect. The accounts and disbursements of the Library Board and the Public Library System shall be subject to audit in the same manner as other city departments.

Library revenues

Section 20 Library Board—Disposition of Money: All fines and other money arising out of the administration of the Public Library System of the City shall be deposited in the Library Fund.

CHARTER AMENDMENT NO. 6

Shall proposed Charter Amendment No. 6 amending Section 21 of the Charter of the City of Redwood City to provide that the City Attorney shall be an administrative officer of the City and to provide that the City Assessor and City Clerk be appointed by the City Council, be approved?

That the specific provisions of said Charter Amendment No. 6 are as follows:

City officers and boards

Section 21. Officers and Boards. The administrative officers and boards shall be City Manager, City Clerk, City Engineer, Chief of Police, Chief of Fire Department, Health Officer, City Assessor, City Collector, City Treasurer, City Auditor, City Attorney, and such other officers and boards or commissions as may be hereafter established.

The City Manager, City Attorney, City Auditor, City Treasurer, City Clerk, and City Assessor shall be appointed by the Council and the removal of any of them shall be only on the affirmative vote of five-sevenths (5/7) of all members of the City Council.

All other officers and employees shall be appointed by the City Manager and shall hold office or position at his pleasure. The compensation of all officers and employees, excepting members of the Council, shall be provided by ordinance of the Council.

CHARTER AMENDMENT NO. 7

Shall proposed Charter Amendment No. 7 adding Section 21½ to the Charter of the City of Redwood City to provide that the appointment of all boards and commissions shall be by the City Council, be approved?

That the specific provisions of said Charter Amendment No. 7 are as follows:

Establishment of boards and commissions

Section 21½. Establishment of Boards and Commissions. All boards and commissions shall be established and the members thereof appointed by the council, and the duties and functions of said boards and commissions shall be prescribed by the council, unless otherwise specifically provided in this charter.

CHARTER AMENDMENT No. 8

Shall proposed Charter Amendment No. 8 amending Section 29 of the Charter of the City of Redwood City to provide for deletion therefrom that the Chief of Police shall prescribe tests and examinations for persons in the Police Department, be approved?

That the specific provisions of said Charter Amendment No. 8 are as follows:

Chief of police

Section 29. Chief of Police: The chief of police shall be the head of the police department, and shall have all the powers that are now, or may hereafter be conferred upon sheriffs and other peace officers by the laws of the state. It shall be his duty to preserve the public peace, and to suppress riots, tumults, and disturbances.

His orders shall be promptly executed by the police officers of the city, and every citizen shall lend him aid when requested for the arrest of offenders, the maintenance of public order, or the protection of life and property.

He shall execute and return all processes issued to him by legal authority. He shall have authority, and it is hereby made his duty, to arrest persons violating any law of the United States or the state or ordinance of the city. He shall have such other powers and duties appertaining to his office as may be prescribed by the council or rules of the police department.

He shall appoint and remove all subordinates in the department, make rules and regulations for the management of the department, all in accordance with the provisions of this charter and subject to the approval of the city manager.

CHARTER AMENDMENT No. 9

Shall proposed Charter Amendment No. 9 amending Section 30 of the Charter of the City of Redwood City to eliminate the control of the chief of the Fire Department over policemen in the immediate vicinity of a fire, be approved?

That the specific provisions of said Charter Amendment No. 9 are as follows:

Chief of fire department

Section 30. Chief of Fire Department: The chief of the fire department shall be the head of the fire department, and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby.

During the fire the chief of the fire department shall be in supreme authority over the territory involved therein, and all persons in the immediate vicinity of said fire shall be subject to his orders.

He shall appoint and remove all subordinates in the department and make rules and regulations for the government thereof, subject to the approval of the city manager.

CHARTER AMENDMENT NO. 11

Shall proposed Charter Amendment No. 11 deleting Sections 37, 38, 39, 40, 41, 42 and 43 of the Charter of the City of Redwood City, which sections provide for a Police Court and Police Judge and the duties and jurisdiction of said court and judge, be approved?

That the specific provisions of said Charter Amendment No. 11 are as follows:

Police court

Section 37. Police Court: The judicial power of the city shall be vested in a police court, which court is hereby established. The police court shall have jurisdiction concurrently with the justice's court, of all actions and proceedings, civil and criminal, arising within the corporate limits of the city and which might be tried in such justice's court.

Said police court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of said city, of all actions founded upon any obligation created by any ordinance thereof, and of all prosecutions for the violation of any such ordinance. In all civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the city is not more than fifty dollars, the trial must be by the Court. In civil actions where the fine, penalty, or forfeiture prescribed for the breach of any ordinance of the City is over fifty dollars, the defendant is, upon his demand, entitled to a jury.

Procedure. Except as in this Charter otherwise provided, the rules and practice and mode of the proceeding in said Police Court shall be the same as are, or may be, prescribed by law for Justice's Courts in like cases; and appeals may be taken to the Superior Court from all judgments of said Police Court in like manner and with like effect as in cases of appeals from Justice's Courts.

Police judge

Section 38. Police Judge: There shall be a police judge appointed by the city manager. He shall be judge of the police court. He shall be a qualified elector of Redwood City at the time of his appointment, and shall be an attorney at law admitted to practice in the supreme court of the state of California, or a person who is a justice of the peace. The same person shall not hold at the same time the offices of police judge and city attorney.

Duties, fines, etc.

Section 39. Duty, Fines, Etc.: The police judge shall have all powers and perform the duties of a magistrate and may administer and certify oaths and affirmations and take and certify acknowledgments. All fines, fees, forfeitures, and costs collected by him, whether prosecuted for a violation of state law or of a city ordinance, shall be paid into the city treasury within 24 hours from and after the receipt thereof. He shall make such periodical reports as the city manager may require.

Disqualification

Section 40. Disqualification: In all cases in which the police judge is disqualified according to law, or in cases of sick-

ness or inability to act, he may call upon any justice of the peace, residing in the county of San Mateo, to act in his stead.

Court dockets

Section 41. Court Dockets: The police judge 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. All records, files and other property, of the city recorder's court under the preceding government of the city, shall be the records, files, and property of the police court of said city created by this charter.

Trial of minors, parole

Section 42. Trials of Minors, Parole: The council shall have power to provide by ordinance for the separate detention and trial of, and a probation system for, juvenile offenders, against municipal ordinances and also all juvenile offenders in all cases of other offenses of which this court has jurisdiction. The police judge may in his discretion, upon good cause shown, grant a parole during good behavior to any person convicted in this court; provided that said parole so granted may be revoked at any time by the judge within six months after the granting of the same and the sentence imposed against such person shall thereupon be carried into execution.

Continuity with former court

Section 43. Continuity With Former Court: All actions and proceedings pending and undetermined in the city or recorder's court under said preceding government shall be proceeded with, heard, tried, and determined in said police court herein established, before the judge thereof, as if such action or proceeding had been originally commenced therein.

Charter Amendment No. 12

Shall proposed Charter Amendment No. 12 amending Section 47a of the Charter of the City of Redwood City to provide that members of the Port Commission shall be appointed by the City Council, be approved?

That the specific provisions of said Charter Amendment No. 12 are as follows:

Board of port commissioners

Section 47a. Board of Port Commissioners: The exclusive control and management of the Port Department is hereby vested in the Board of Port Commissioners, which shall be composed of five (5) members who shall be appointed by the Council.

No person shall be appointed as a member of the Board who is not at the time of his appointment, and has not been continuously for three (3) years immediately preceding, a qualified elector of the City of Redwood City.

The members of the Board shall serve without salary or compensation.

Charter Amendment No. 13

Shall proposed Charter Amendment No. 13 amending Sections 67, 49a and 47f (8) of the Charter of the City of Redwood City to provide that the City Council and the Board of Port Commissioners may make expenditures not to exceed the sum of $2,000.00 without advertising for bids, be approved?

That the specific provisions of said Charter Amendment No. 13 are as follows:

Contracts for more than $2 000

Section 67. Contracts: Any public work or improvement costing more than two thousand dollars ($2,000.00) shall be executed by contract, except where a specific work or improvement is authorized by the City Council based on detailed estimates submitted by the department authorized to execute such work or improvement directly. All such contracts for more than $2,000.00 shall be awarded to the lowest responsible bidder, after public advertisement and competition as may be prescribed by ordinance, but the City Council shall have the power to reject any and all bids, and advertise again. All advertisements as to contracts shall contain a reservation of the foregoing right. All contracts entered into by the City shall be signed by the City Manager and any other officer or officers of the City as the Council may by ordinance provide.

Contracts not exceeding $2,000

Section 49a. Contracts: All contracts, except where the expenditure involved does not exceed the sum of two thousand dollars ($2,000.00) shall be made and entered into upon competitive bidding in the manner and form as provided in Section 67 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 of inviting such bidding must be on file in the office of the Board, subject to public inspection.

Section 47f (8) To purchase materials and supplies without advertising for bids in an amount not exceeding two thousand dollars ($2,000.00).

Charter Amendment No. 14

Shall proposed Charter Amendment No. 14 amending Section 48d of the Charter of the City of Redwood City to provide that the Council of Redwood City may require the Board of Port Commissioners to pay annually to the City Treasurer sufficient funds to pay interest and principal on any bonds issued specifically for the improvement of the Port of Redwood City, be approved?

That the specific provisions of said Charter Amendment No. 14 are as follows:

Repayment of funds

Section 48d. Repayment of Funds: All moneys once apportioned or appropriated to the Board, and all income from the operation of the port and its facilities, or all net income from leases or other sources, shall remain in its control until expended, provided the Board may from time to time pay over to the General Funds of the City profits from the opera-

tion of the port, and any surplus funds which in its judgment may not be needed for port purposes.

Further provided, that the Council may annually, prior to July 1 of each year, require that the Board pay over to the City Treasurer sufficient funds to pay interest and principal payments falling due for the fiscal year succeeding such demand on any bonds issued specifically for the improvement of the Port of Redwood City.

On receipt of such demand, it shall be mandatory on the Board that such payment be made.

CHARTER AMENDMENT No. 16

Shall proposed Charter Amendment No. 16 amending Section 77 of the Charter of the City of Redwood City to provide that members of boards and commissions may contract with the City concerning matters which do not come before said board or commission, be approved?

That the specific provisions of said Charter Amendment No. 16 are as follows:

Section 77. Illegal Contracts, Financial Interest. No member of the City Council, officer or employee of the City shall be financially interested, directly or indirectly, in any contract, sale, or transaction to which the City is a party. Illegal contracts

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 other agency of the City with which such board or commission is connected.

Any such contract, sale or transaction in which there shall be such an interest shall become void at the election of the City, when so declared by resolution of the City Council.

No member of the City Council, officer or employee 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 by reason of ownership of stock in such corporation unless said stock so owned by him shall amount to at least three percent of all the stock of such corporation issued and outstanding.

If any member of the City Council, officer or employee of the City, or member of a board or commission shall be financially interested as aforesaid, he shall forfeit his office in addition to any other penalty which may be imposed for such violation.

CHARTER AMENDMENT No. 17

Shall proposed Charter Amendment No. 17 amending Section 84 of the Charter of the City of Redwood City to provide that the cost of certifying records of the City shall be fixed by ordinance, be approved?

That the specific provisions of said Charter Amendment No. 17 are as follows:

Copies of records

Section 84. Copies of Records: Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and tendering the fee therefor as provided by ordinance.

CHARTER AMENDMENT No. 18

Shall proposed Charter Amendment No. 18 amending Section 85 of the Charter of the City of Redwood City to provide that all ordinances adopted prior to July 1, 1897, be repealed, be approved?

That the specific provisions of said Charter Amendment No. 18 are as follows:

Old ordinances in effect

Section 85. Old Ordinances in Effect: Except ordinances and resolutions adopted prior to July 1, 1897, which ordinances and resolutions are hereby declared to be no longer effective, all ordinances and resolutions in force at the time this charter takes effect, and not inconsistent therewith, shall continue in full force until amended or repealed.

CHARTER AMENDMENT No. 19

Shall proposed Charter Amendment No. 19 amending Section 88 of the Charter of the City of Redwood City to provide that no legal action shall be brought on a claim against the City unless a verified claim is filed within the time provided by law, but in no event longer than six (6) months after the claim arose, be approved?

That the specific provisions of said Charter Amendment No. 19 are as follows:

Claims against city

Section 88. Claims Against City. (a) No legal action shall be brought on any claim for money or damages against the City or any board or commission of the City until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. Except in those cases where a shorter period of time is otherwise provided by law, all claims for damages against the City must be presented within six (6) months after the occurrence, event or transaction from which the damages arose, and all other claims or demands of any nature shall be presented within six (6) months after the last item of the account or claim accrued.

(b) Every claim for money or damages against the City or any board or commission thereof shall be filed with the City Clerk and shall be verified by at least one of the claimants or by someone for and on behalf of such claimant or claimants, and shall be in writing. The City Clerk shall thereupon present the same to the Council, officer, board or commission authorized by this charter to incur or pay the expenditure or alleged in-

debtedness or liability represented thereby. In all cases such claims or demands shall be approved or rejected within sixty (60) days from the date of their filing, provided, however, that failure to act upon any claim or demand within said sixty-day period shall be deemed to be a rejection thereof.

(c) The provisions of this section shall not apply in the case of interest upon, or principal, or installments of principal on bonds or other evidence of indebtedness issued by the City or any board or commission thereof pursuant to authorization by this charter or by ordinance or by general law of the State of California.

CHARTER AMENDMENT NO. 20

Shall proposed Charter Amendment No. 20 amending Section 91 of the Charter of the City of Redwood City to provide that only one argument for or against any ordinance or charter amendment be published in the official publicity pamphlet, be approved?

That the specific provisions of said Charter Amendment No. 20 are as follows:

Official publicity on election matters

Section 91. Official Publicity on Election Matters: The City Clerk, at least ten (10) days before any election, shall cause to be printed and mailed to each elector qualified to vote thereon, a sample ballot, together with an official publicity pamphlet containing the full text of every ordinance or charter amendment submitted, with their respective ballot titles, together with arguments for or against such ordinance or charter amendment which may have been filed with the City Clerk not less than twenty (20) days before such election. Only one argument for or against such ordinance or charter amendment shall be published in the official publicity pamphlet. In the event more than one argument for such ordinance or charter amendment is submitted or more than one argument against such ordinance or charter amendment is submitted, the City Clerk shall choose one argument for and one argument against such ordinance or charter amendment for publication in the official publicity pamphlet. Such argument shall be signed by the person, persons, or officers of organizations authorized to submit and sign the same, who shall deposit with the City Clerk at the time of filing a sum of money sufficient to cover the proportionate cost of the printing and paper for the space taken, but no more. The text of every ordinance or charter amendment shall also be displayed at the polling booths in such elections; provided further, that the validity of an ordinance or charter amendment approved by the electors shall not be questioned because of errors or irregularities in such mailing, distribution or display.

And we further certify that the foregoing proposed and ratified amendments to the Charter of the City of Redwood City are a full, true and correct copy of the Charter Amendments approved by the voters of the City of Redwood City.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Redwood City to be affixed hereto this 20th day of September, 1954.

(SEAL)

SIDNEY D. HERKNER
Mayor of the City of Redwood City
R. S. DODGE
City Clerk of the City of Redwood City

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 Redwood City 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 the said City of Redwood City.

CHAPTER 28

Assembly Concurrent Resolution No. 26—Relative to approving amendments 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 a special municipal election held therein on the second day of November, 1954.

[Filed with Secretary of State, January 13, 1955]

City of Santa Monica Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the City of Santa Monica, a municipal corporation in the County of Los Angeles, 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 AMENDMENTS BY ELECTORS OF THE CITY OF SANTA MONICA

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss:
CITY OF SANTA MONICA

Certificate

We, the undersigned, Thomas J. McDermott, 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. 334 (City Council Series) adopted August 17, 1954, 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; that the legislative body of the City of Santa Monica, namely the City Council of said City, pursuant to Section 8, Article XI of the Constitution of the State of California, by Ordinance No. 333 (City Council Series) adopted August 17, 1954, 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. 2; that the legislative body of the City of Santa Monica, namely the City Council of said City, pursuant to Section 8, Article XI of the Constitution of the State of California, by Ordinance No. 335 (City Council Series) adopted August 17, 1954, 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. 3; that the legislative body of the City of Santa Monica, namely the City Council of said City, pursuant to Section 8, Article XI of the Constitution of the State of California, by Ordinance No. 339 (City Council Series) adopted September 14, 1954, ordered that said proposed Charter Amendment No. 1, said proposed Charter Amendment No. 2, and said proposed Charter Amendment No. 3, be submitted to the qualified electors of said City at a special municipal election to be held in said City on the 2nd day of November, 1954, and called a special municipal election for said date and ordered said special municipal election consolidated with the statewide general election to be held on said date;

That said proposed Charter Amendments were published in the Evening Outlook, the official newspaper of said City and a newspaper of general circulation therein on August 24, 1954 and September 6, 1954, and in each edition thereof during said days of publication and said proposed Amendments were 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 September 17, 1954, until the day fixed for the election upon the proposed Amendments, it was advertised in said newspapers that copies of the proposed amendments could be had upon application therefor at the office of the City Clerk of said City;

That the City Council adopted an ordinance on September 14, 1954, being Ordinance No. 340 (City Council Series) ordering and calling a special municipal election in the City of Santa Monica on the 2nd day of November, 1954, which said date was not less than 40 days and not more than 60 days after the completion of the publication of said proposed amend-

ments, which said Ordinance was signed by the Mayor of said City and was published in the Evening Outlook September 21, 1954, in accordance with the provisions of the Charter of the City of Santa Monica;

That said special municipal election was held in said City on the 2nd day of November, 1954, which said date was not less than 40 days and not more than 60 days after said proposed Charter Amendments had been published once in said Evening Outlook;

That thereafter in the manner provided by law, the Registrar of Voters of the County of Los Angeles duly and regularly did canvass the returns of said election and by Resolution No. 1351 (City Council Series) adopted December 14, 1954, the City Council duly did declare the results of said special municipal election;

That at said special municipal election said Proposed 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

Repeal "The Charter of the City of Santa Monica hereby is amended by deleting Article VIII of said Charter, specifically by deleting Section 800 and Section 801 of said Charter."

That the foregoing proposed and ratified amendment to the Charter of the City of Santa Monica, submitted to the electors of said City at the special municipal election has been compared by us and each of us with the proposed amendment set forth in Ordinance No. 334 (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 at said special municipal election said Proposed Amendment No. 2 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. 2

"Section 602 of the Charter of the City of Santa Monica hereby is amended so that the same shall be and read as follows:

"Section 602. Compensation. The members of the City Council shall receive no compensation for their services as such, but shall receive reimbursement for necessary travel and other expenses when on official duty out of the City on order of the City Council and, in addition, the Mayor shall receive the sum of One Hundred and Fifty ($150.00) Dollars per month, which amount shall be deemed reimbursement out-of-pocket expenditures and costs imposed upon him in serving as Mayor, and all other members of the City Council shall receive the sum of Fifty ($50.00) Dollars per month, which amount shall be deemed to be reimbursement for out-of-pocket expenditures and costs imposed upon them in serving as City Councilmen." Compensation of city council members

That the foregoing proposed and ratified amendment to the Charter of the City of Santa Monica submitted to the electors of said City at the special municipal election has been compared by us and each of us with the proposed amendment set forth in Ordinance No. 333 (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 at said special municipal election said Proposed Amendment No. 3 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. 3

"Section 608 of the Charter of the City of Santa Monica hereby is amended so that the same shall be and read as follows:

"Section 608. Contracts on Public Works. Every contract involving an expenditure of more than Five Thousand ($5,000.00) Dollars for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials or supplies for the same, where the expenditure required for such purchase shall exceed the sum of Five Thousand ($5,000.00) Dollars, shall be let to the lowest responsible bidder after notice by publication in the official newspaper by two or more insertions, the first of which shall be at least ten days before the time for opening bids. Public works contracts exceeding $5,000

"The City Council may reject any and all bids presented and may readvertise in its discretion.

"After rejecting bids, or if no bids are received, the City Council 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, or that the materials or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by at least five affirmative votes, it may proceed to have said work done or such materials or supplies purchased in the manner stated, without further observance of the provisions of this section. Such contracts may be let and such purchases made without advertising for bids, if such work or the purchase of such materials or supplies 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 at least five affirmative votes."

That the foregoing proposed and ratified amendment to the Charter of the City of Santa Monica, submitted to the electors of said City at the special municipal election has been compared by us and each of us with the proposed amendment set forth in Ordinance No. 335 (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 amendments.

IN WITNESS WHEREOF, we have set our hand hereunto and caused the seal of the City of Santa Monica to be affixed this 27th day of December, 1954.

(SEAL)

THOMAS J. McDERMOTT
Mayor
K. O. GRUBB
City Clerk

Approved as to form this 22nd day of December, 1954.
ROBERT G. COCKINS
City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF SANTA MONICA

I, Kenneth O. Grubb, City Clerk of the City of Santa Monica hereby do certify that on the 14th day of December, 1954, as appears from the official records of the proceedings of the council of the City of Santa Monica for that date, the Mayor of the City of Santa Monica and the City Clerk of said city were authorized and directed by said City Council by Resolution No. 1354 (City Council Series) to execute and attest the foregoing Certification of Ratification of Charter Amendments by Electors of the City of Santa Monica for and on behalf of said city and the City Attorney of said city was authorized to take such steps as might be necessary to secure the approval by the legislature of the State of Cali-

fornia of said charter amendments set forth in said certificate.

KENNETH O. GRUBB,
(SEAL) City Clerk

Approved as to form this 22nd day of December, 1954.
ROBERT G. COCKINS
City Attorney

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 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 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 Santa Monica. Approval

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CHAPTER 29

Assembly Concurrent Resolution No. 28—Relative to the untimely passing of the Honorable William Clifton Berry.

[Filed with Secretary of State, January 13, 1955]

WHEREAS, The Lord, in His most infinite wisdom, did, on the fifth day of May, 1954, gather up into His presence our esteemed friend and fellow colleague, the Honorable William Clifton Berry; and

WHEREAS, The untimely passing of so able and distinguished a Member of the Legislature fills the hearts of we who remain with grief and sorrow. We shall sorely miss him; and

WHEREAS, William Clifton Berry was born May 19, 1891, in Cosmopolis, Washington, and came as a child, in 1903, to San Francisco, the city which was to remain his home until his death; and

WHEREAS, Having received his grammar school education in the State of Washington, in 1912 he was graduated from Humboldt Evening High School; and

WHEREAS, Mr. Berry was a machinist by trade. Active in union affairs, he was a past President and onetime Secretary of Tool and Die Makers Local 1176, A. F. of L, and a delegate to the San Francisco Labor Council; and

WHEREAS, Subsequent to his initial election in 1942 to the Legislature as the representative of the Twenty-third Assembly District, he was re-elected for five consecutive terms and, at the time of his death, was a candidate for nomination in the primary election by both major parties; and

WHEREAS, The trust imposed by the people of the State of California in William Clifton Berry was not misplaced. During his legislative career he served with distinction as a member of the important Assembly Industrial Relations, Public Utilities and Corporations, Transportation and Commerce Committees, and the Committee on Elections and Reapportionment; and

WHEREAS, He was a past president, Mission Council 3, Young Men's Institute; Past Deputy Grand Knight, Alameda Council 1658, Knights of Columbus; and a member of the South of Market Boys; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature express profound regret at the untimely death of the Honorable William Clifton Berry and do hereby express their sincere condolences to his widow, Mrs. William Clifton Berry, in her hours of bereavement; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to forward a properly prepared copy of this resolution to Mrs. William Clifton Berry.

CHAPTER 30

Senate Concurrent Resolution No. 16—Approving certain amendments to the charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at an election held therein on the eighth day of June, 1954.

[Filed with Secretary of State, January 14, 1955.]

City of Bakersfield: Charter amendments

WHEREAS, The City of Bakersfield, in the County of Kern, 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 3,500 and fewer than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of Congress of the United States, and is now and has been ever since the twentieth day of January, 1915, 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 held for that purpose on the fifth day of May, 1914, and approved by the Legislature of the State of California, on the twentieth day of January, 1915; and

WHEREAS, On the twenty-ninth day of March, 1954, the legislative body of the City of Bakersfield, to wit: the city council, on its own motion passed a resolution to submit to the electors of said city, at an election to be held June 8, 1954, certain proposed amendments to the city charter of the City of Bakersfield, and immediately thereafter on said twenty-ninth day of March, 1954, the City Council of the City of Bakersfield duly and regularly called an election for the purpose of voting on said proposed amendments, to be called and held on the eighth day of June, 1954, which said date was fixed by the said City Council of the City of Bakersfield as the time for voting on said amendments as proposed.

WHEREAS, Said proposed amendments were published on the sixteenth day of April, 1954, in each edition of the Bakersfield Californian, a newspaper of general circulation printed and published in the City of Bakersfield, and having a general circulation therein, the said paper being the official newspaper of the City of Bakersfield, and said publication was 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 eighth day of June, 1954, 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 Bakersfield, 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.

That said charter of the City of Bakersfield be amended by adding thereto Sections 11.1, 33.1, 33.2 and 33.3; by adding subdivision (a) to Section (216) 9; and by amending Sections 43 (a), 45 and (224) 4 Said charter amendments shall read as follows:

"ALTERING WARD BOUNDARIES

Altering ward boundaries

Section 11.1 (a) In addition to the methods provided by State Law for alteration of city wards upon annexation of territory to the city, the Council shall, by ordinance, from time to time as hereinafter provided, alter the boundaries of the respective wards in order that each ward shall contain as nearly as possible, an equal number of qualified registered electors therein, which said ordinance shall be submitted to referendum.

(b) In the calendar year 1955, and every twelve years thereafter, the Council shall cause a survey to be made of the inhabitants of the respective wards based upon the register of qualified electors of the County of Kern at the last preceding State election. If such survey shall show that any one ward contains a number of qualified registered electors which is twenty percent greater than the number of qualified registered

electors in some other ward, then the Council shall, within one year after the survey is concluded, alter the ward boundaries as provided in subdivision (a) hereof.

(c) In the calendar year 1961 and every twelve years thereafter, the Council shall cause a survey to be made of the inhabitants of the respective wards based upon the register of qualified electors of the County of Kern at the last preceding State election. If such survey shall show that any one ward contains a number of qualified registered electors which is ten percent greater than the number of qualified registered electors in some other ward, then the Council shall, within one year after the survey is concluded, alter the ward boundaries as provided in subdivision (a) hereof."

"OFF-STREET VEHICULAR PARKING

Off-street vehicle parking

Section 33.1 That the City of Bakersfield, in addition to all other powers elsewhere enumerated in this Charter, shall have the power to acquire (whether by purchase, lease, eminent domain or otherwise), construct, establish, improve, extend, maintain, operate, administer, lease, sublease and let off-street vehicular parking facilities and places within the City of Bakersfield in order to relieve traffic congestion and promote the welfare of the citizens and inhabitants thereof.

Without limiting the generality of the next preceding paragraph, the City shall have the power:

(a) To acquire lands and property and rights-of-way necessary and convenient for use as parking places;

(b) To acquire lands and property and rights-of-way necessary and convenient for the opening, widening, straightening and extending of streets or alleys necessary or convenient for ingress or egress from any parking place herein established;

(c) To acquire by condemnation, purchase, or gift, any property or any interest therein. Any lands or property necessary or convenient for off-street vehicular parking may be acquired in fee simple by condemnation or otherwise;

(d) To improve any lands acquired by the construction thereon of garages or other buildings or improvements necessary or convenient for off-street vehicular parking purposes;

(e) To collect fees or charges to pay all or any part of purchasing, improving, repairing or operating off-street vehicular parking. To establish and regulate rates and charges for all services provided for to the users of such facilities;

(f) To establish funds for such system or systems and place limitations upon the use of moneys therefrom;

(g) To establish off-street vehicular parking places only within the City of Bakersfield;

(h) To do any and all acts or things necessary or appropriate to carry out the purposes of this section."

"POWERS OF THE COUNCIL

Section 33.2 In addition to all other powers elsewhere enumerated, the Council shall have the power: Powers of city council

(a) To make all necessary rules and regulations regarding the operation and maintenance of off-street vehicular parking facilities;

(b) To issue revenue bonds and refunding revenue bonds for the purchase, acquisition, construction, improvement, operation and maintenance of any and all off-street vehicular parking facilities so acquired and to evidence such obligation for payment, discharge and retirement of the cost of such facilities, improvements and projects by the issuance of revenue bonds therefor, including refunding revenue bonds, in negotiable or non-negotiable form and payable solely out of the revenue dervied from the operation, and control of such off-street vehicular parking facilities, in accordance with the procedure established by Section 33.3 of this Charter;

(c) To bind, allocate, pledge and authorize payment of all or any part of the net revenues collected from the establishment and operation of parking meters within this City for periods of years for the payment of operation and maintenance costs of such off-street vehicular parking facilities and principal and interest on all revenue bonds issued and outstanding, until all of such bonds have been fully paid."

"REVENUE BONDS.

Section 33.3 Revenue bonds may be authorized by the Council of the City of Bakersfield by resolution of five affirmative votes of the Council, at a duly assembled meeting. All such revenue bonds so issued shall contain a recital on their face that neither the payment of the principal of or interest thereon constitutes a debt, liability or obligation of the City of Bakersfield, except as provided in this Section. All such revenue bonds shall be payable exclusively from the revenues derived from the operation of such off-street vehicular parking facilities and revenues from parking meters, or such specific portions thereof as may be allocated and pledged to the payment of such revenue bonds in accordance with the terms of the resolution under which said revenue bonds are authorized to be issued. Reference on the face of such revenue bonds to such resolution by its date of adoption shall be sufficient to incorporate all of the provisions thereof into the body of said revenue bonds and their appurtenant coupons. Each taker and subsequent holder of said revenue bonds or coupons, whether such coupons are attached to or detached from, said revenue bonds shall have recourse to all of the provisions of such resolution and shall be bound thereby. Revenue bonds

1. The Council of the City of Bakersfield shall have power and is hereby authorized:

(a) To fix the aggregate principal amount of all revenue bonds which may from time to time be issued; to prescribe the purpose or purposes for which the same may be issued and to provide for the issuance of additional bonds and the security therefor;

(b) To prescribe the form and denomination of the revenue bonds and the terms and conditions upon which the same shall be issued, paid and retired. Revenue bonds may be issued in one or more series, may bear such date or dates; may mature at such time or times not exceeding forty (40) years from their respective dates (provided that if any authorized issue of revenue bonds is divided into two or more series or divisions, the maximum maturity date of each such series or division 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); may be in the form of serial bonds or sinking fund bonds with serial or term maturities; may bear interest at a rate or rates not exceeding six (6) per cent per annum, payable annually or semi-annually; may be in such denomination or denominations and in such form, either coupon or registered; may carry such registration or conversion privileges; may be executed in such manner; may be payable in such medium of payment and at such place or places within or without the State of California; may be subject to such terms of redemption with or without premium provided that no such premium shall be in excess of six (6) per cent of the par value of such revenue bonds and provided further that none of such revenue bonds shall be subject to call or redemption prior to their fixed maturity date unless the right to exercise such call is expressly stated on the face of the bonds all as provided in such resolution or resolutions of said City Council; provided further that all revenue bonds maturing subsequent to five (5) years from their date may be issued as callable bonds, subject to redemption at the option of the City upon such terms as the Council shall determine.

(c) To provide, in and by the resolution or resolutions authorizing the issuance, the terms and conditions upon which all such revenue bonds issued thereunder may be declared or become due and payable in the event of said defaults, if any, as may be specified in said resolution; may also provide for the replacement of mutilated, destroyed, stolen or lost bonds;

(d) To provide in and by such resolution for the authentication and execution of revenue bonds by manual, lithographed or mechanically reproduced facsimile signatures of any officers of the City Council and also to provide for additional authentication of such revenue bonds by any trustee or fiscal agent appointed by said Council. If any of the officers whose signatures on coupons cease to be officers before the delivery of said revenue bonds or coupons to the purchasers thereof, their signatures or counter-signatures shall nevertheless be valid and

of the same force and effect as if such officers had remained in office until the delivery of the revenue bonds and coupons.

(e) To provide by resolution, pending the preparation of the definitive bonds, for the issuance of interim receipts or temporary bonds exchangeable for definitive bonds when such definitive bonds are ready for delivery in such form and with such provisions as may be provided in said resolution and further to provide, that notwithstanding the form or tenor of such interim receipts or temporary bonds that such interim receipts, temporary bonds and also all revenue bonds shall at all times be, and be treated as, negotiable instruments for all purposes;

(f) To provide that the proceeds of the sale of said revenue bonds shall be applied to the payment of all costs and expenses to be incurred in connection with the issuance of said bonds, including fiscal agents, and legal expenses, working capital and interest, which it is estimated will accrue during the construction period and for not exceeding six (6) months thereafter or money borrowed or which it is estimated will be borrowed through the issuance of such revenue bonds.

2. Revenue bonds authorized hereby may be sold by the City Council from time to time in such manner as the Council may determine and at a price below the par value thereof; provided that the maximum net interest cost on revenue bonds sold below par or face value shall not exceed an average of six (6) per cent per annum, payable annually or semi-annually, to the respective maturity dates of said revenue bonds as determined by standard tables of bond values.

3. The Council shall have authority to provide for the issuance, sale or exchange of refunding revenue bonds for the purpose of redeeming, retiring or refunding any revenue bonds issued under this Charter subject to any limitations contained in the resolution providing for the issuance of such revenue bonds. All provisions of this section, applicable to the issuance of revenue bonds are hereby made applicable to the issuance of refunding bonds and to the sale or exchange thereof. Refunding revenue bonds may be issued in the principal amount sufficient to provide funds for the payment of all revenue bonds to be refunded thereby and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding revenue bonds in the issuance of such refunding bonds. Such expenses may include any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof to the date of payment of the revenue bonds to be refunded and also the premium, if any, necessary to be paid in order to call and retire the outstanding revenue bonds and the interest accruing thereon to the call date.

4. All revenue bonds issued by the Council shall be secured by a lien upon the gross revenue of the project for the acquisition, construction and completion of which said revenue bonds are to be issued and revenues from parking meters, as

shall be more fully described in the resolution of the Council authorizing the issuance of said bonds, and said Council shall have power in and by such resolution authorizing the issuance of such revenue bonds to pledge and assign as security for such revenue bonds all or any part of the gross revenues of any project for the acquisition, or construction of which said revenue bonds are to be issued, including revenues from improvements and extensions thereof thereafter constructed or acquired as well as the revenues of any existing off-street vehicular parking project operated or controlled by said City of Bakersfield and also any sums allocated by the Council from the operation of parking meters to the revenue bond fund for payment of expenses, principal and interest of the revenue bonds. Sums required to meet the payment of interest on and principal of revenue bonds issued under this Charter shall be secured by a first, direct and exclusive charge and lien upon all revenues described in the resolution authorizing the issuance of such revenue bonds and upon all sinking funds, reserve funds, or redemption funds created for the further security of said revenue bonds and the income therefrom and all such revenues and funds and the income therefrom shall constitute a trust fund for the security and payment of such revenue bonds and shall not be used for any other purpose as long as such bonds, or any of them and the interest thereon are outstanding and unpaid, except that in the resolution providing for the issuance of said revenue bonds, there may be apportioned, so long as the interest on and principal of such revenue bonds is paid as the same becomes due and payable, together with all other charges required by such resolution for the protection of or better securing of such revenue bonds, such sums as may be specified in such resolution for the payment of maintenance and operating costs of such projects but only to the extent specified and described in said resolution.

5. Any resolution of the Council providing for the issuance of revenue bonds may also, in addition to all other appropriate agreements deemed necessary or advisable by the Council, contain such covenants and agreements as it deems necessary or advisable for the better security of the revenue bonds issued thereunder. The Council is hereby authorized and empowered in and by the terms of any such resolution to covenant and agree with the holders of any of said revenue bonds so long as the same shall be outstanding as follows:

(a) That the proceeds of the sale of said revenue bonds shall be deposited in a fund separate and apart from all other funds of the City of Bakersfield and shall be applied solely and exclusively to the object and purpose for which said revenue bonds are herein authorized to be issued and that any proceeds remaining unexpended after the object and purpose for which said revenue bonds are authorized to be issued shall have been completed shall be applied to the payment of principal and interest of such revenue bonds and that

none of said moneys shall be transferred to any other fund of the City of Bakersfield or used for any purpose other than as specified in said resolution;

(b) That the City of Bakersfield shall operate or cause to be operated, all projects and properties acquired from the proceeds of the sale of said revenue bonds continuously so long as said revenue bonds are outstanding in an efficient manner and in good working order and condition, and will make all needful and necessary repairs, improvements and replacements;

(c) That the Council will establish and maintain reasonable rates, tolls and charges for all properties maintained, owned or operated by it, including parking meters, or acquired from the proceeds of the sale of revenue bonds and that such rates, tolls and charges shall at all times be adequate to yield annual revenue equal to all redemption payments and interest charges on said revenue bonds as the same fall due, together with such additional sums as may be required for any sinking fund, reserve fund or any other special fund provided for the security of revenue bonds or for any maintenance and operation depreciation, reserve fund or other charges in connection with the operation of any properties of the City of Bakersfield, and further that such rates, tolls and charges shall not be reduced below an amount sufficient to provide funds to meet all obligations set forth in the resolution authorizing the issuance of such revenue bonds. No person shall be permitted to use or operate any of the facilities or properties of the City of Bakersfield or to make use thereof, except upon payment of the regularly established charge therefor, except only as may be provided in the resolution authorizing the issuance of such revenue bonds in the case of firemen, policemen and other essential public employees, to be specifically set forth in such resolution. All such rates, tolls and charges shall be paid only in such coin or currency as on the date of payment is legal payment for public or private debts, or in scrip or tokens issued only upon payment of the face value of such coin or currency. Any agreement contained in said resolution with respect to such rates, tolls and charges shall be binding upon the City of Bakersfield and upon its officers, departments and Boards thereof.

(d) That accurate books and records of account showing all revenues received from the operation of all properties by the City of Bakersfield, and all expenditures thereof, will be kept and provided, and that all books and records of the City of Bakersfield pertaining to the operation of such off-street vehicular parking places shall be open at all times during business hours to the inspection of the holders of one or more of the revenue bonds, or of any percentage of such holders or their duly authorized representatives as may be provided in such resolution. That annual or other periodic statements of the condition of all such off-street vehicular parking properties operated by the City of Bakersfield will be furnished to the

holders of such revenue bonds and that summaries thereof will be published at least annually in the official newspaper of the City of Bakersfield. The resolution providing for the issuance of revenue bonds may also provide that the books and records of the City of Bakersfield pertaining to the operation of such off-street vehicular parking places shall be audited by independent public accountants in such manner and under such circumstances as may be set forth in the resolution.

(e) That no part of the said properties in the City of Bakersfield shall be sold, leased, mortgaged or otherwise encumbered or disposed of except upon such terms and conditions as may be defined in said resolution and that if any part of the properties of the City of Bakersfield shall be taken by eminent domain or other proceedings authorized by law, the proceeds therefrom shall be applied to the replacement of properties of like kind and character or to the payment and retirement of revenue bonds, or as may be set forth in said resolution.

(f) That said resolution may contain such other terms and conditions with respect to the payment of the bonds, the operation of said off-street vehicular parking facilities and properties by the City of Bakersfield, payment of claims, or the obtaining of insurance or any kind or character on any of said properties of the City of Bakersfield and the payment of the premium therefor, events of default and the rights of the holders of revenue bonds in the event thereof, the procedure under which the terms and conditions of the revenue bonds and of the resolution authorizing the issuance thereof may be amended at a meeting of the bondholders or by the written assent of bondholders without a meeting and the manner in which such consent of the bondholders may be given, either with or without a meeting, and the effect of such an amendment or modification upon the rights of all holders of the bonds and coupons and also all other agreements deemed necessary or desirable in order to secure said revenue bonds or to make the same more marketable.

6. The validity of any revenue bonds issued by the City Council of the City of Bakersfield shall not be dependent on or affected in any way by any proceedings taken by the City of Bakersfield for the acquisition, construction or completion of any properties or projects for which said bonds are to be issued or any contracts made in connection with the acquisition, construction or operation of any such properties. Said revenue bonds shall be incontestable and shall by their issuance and delivery conclusively establish the due performance of all conditions precedent to their issue.

7. The City of Bakersfield may, at any time after the adoption of a resolution providing for the issuance of any revenue bonds under this Charter and prior to the actual delivery of such bonds to any purchaser thereof, bring an action in the Superior Court of the State of California in and for the

County of Kern to determine the validity of any such bonds. Such action shall be in the nature of a proceeding in rem. The jurisdiction of all parties interested may be had by publication of summons for at least once a week for three (3) weeks in some newspaper of general circulation published in Kern County, such newspaper to be designated by the Judge of the Court having jurisdiction of the proceedings. The jurisdiction shall be completed within ten (10) days after publication of the summons in the manner herein provided. Anyone interested may at any time before the expiration of said ten (10) days appear and by proper proceedings contest the validity of such revenue bonds. Such action shall be speedily tried and judgment rendered declaring the bonds either valid or invalid. Either party shall have the right to appeal to the Supreme Court of the State of California at any time within thirty (30) days after the entry of such judgment and such appeal shall be heard and determined by said court within three (3) months from the time of submission thereof to said Court.

8. The provisions of this section constitute full and complete authority for the issuance of revenue bonds as herein provided by the City Council of the City of Bakersfield and no other procedure or proceedings, consent, approvals, orders or permission from any municipal officer or a board of the City of Bakersfield, shall be required for the acquisition, construction or completion of any properties or the issuance of any revenue bonds except as specifically provided in Sections 33.1, 33.2 and 33.3 of Article III of this Charter. The powers and authorities conferred by said Sections of this Charter are in addition to and supplemental to all other powers and authorities conferred upon the City of Bakersfield. The method provided in said Sections for the acquisition of properties and the issuance of revenue bonds shall be deemed an additional method for acquiring such properties and providing funds therefor, provided that the City of Bakersfield may, in its discretion, acquire any properties of a like or similar nature and issue general obligation bonds of the City of Bakersfield therefor, but subject to the conditions that the City of Bakersfield shall not, while any revenue bonds are issued or outstanding, acquire, construct or complete any competing projects or properties similar to those maintained or operated through the issuance of revenue bonds by the Council. Revenue bonds issued under this Charter shall not be taken into consideration in determining the bonded indebtedness which the City of Bakersfield is authorized to incur pursuant to vote of the electors thereof, as limited by this Charter or the laws of the State of California."

Employees absent without leave, etc: Service of charges

"Section (216) 9 (a) When a person is charged with absence from duty without leave or is charged with any other violation under this section and such person cannot be found in the City of Bakersfield, service of a copy of the charges against said accused may be made by depositing a copy of

such charges in the United States mail enclosed in a sealed envelope, registered, with postage prepaid, addressed to the accused at his last place of residence as the same is shown by the files of the department in which said accused was employed; and failure of the accused to receive such copies of charges, shall not affect the jurisdiction of the Civil Service Board to proceed."

Vacancies

"Section 43 (a) Whenever a vacancy exists in the service of the City, upon certification by the Civil Service Board having jurisdiction of the department in which the said vacancy occurs that there is no person having the necessary residential qualifications available to fill the said vacancy, the City Council shall be authorized to waive the residential requirement and the person or body having appointive power may appoint a person not having such residential qualifications. Such person so appointed shall, however, become a resident of the City within the term of his probationary employment which shall not exceed six months and shall remain a resident of said City thereafter during his term of office or employment."

"BONDS OF OFFICERS

Bonds of officers, etc

Section 45 All officers, commissioners, heads of departments, the City Manager, and any subordinates, deputies or employees, as may be required by the Council, shall execute a good and sufficient undertaking, in such sum as may be fixed by the Council, for the faithful performance of their official duties, signed and executed by two or more persons, or by any surety company authorized to do business in the State of California. Such bond may be in the form of a blanket position bond to cover any or all of such persons as may be required by the Council to be bonded."

"EXAMINATION OF APPLICANTS

Examination of police applicants

Section (224) 4. All applicants for places on the Police Department or for promotion, shall be subjected to examination, which shall be public, competitive, and free. Such examinations shall be practical in their character, and shall relate to those matters only which will fairly test the relative capacity of the person examined to discharge the duties of the positions to which they seek to be appointed. Every appointee to the police department, at the time of appointment, shall be not less than twenty-one (21) years of age, and not more than forty-five (45) years of age and must pass the physical tests prescribed by the Civil Service Commission which shall not be less stringent than those required of recruits to the United States Army.

No questions in any examination shall relate to political or religious opinions or affiliations."

AND WHEREAS, In accordance with the law in such cases made and provided, the Board of Supervisors of the County

of Kern caused the clerk of said county to canvass the returns of said election, and said clerk did duly and regularly canvass the returns of said election and on the twenty-ninth day of June, 1954, did certify the results of said canvass to the City Council of the City of Bakersfield, and on the nineteenth day of July, 1954, the said city council did duly find, determine and declare the results 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 thereon had voted in favor of and ratified said amendments to the charter of the City of Bakersfield as hereinabove last set forth, and alleged to have been so ratified; and

WHEREAS, The foregoing is true as is shown by the certificate of Manuel J. Carnakis, Mayor of the City of Bakersfield, and Marian S. Irvin, clerk of said city, whose certificate is in words and figures as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF KERN } ss
CITY OF BAKERSFIELD }

Certificate

THIS IS TO CERTIFY that we, Manuel J. Carnakis, Mayor of the City of Bakersfield, and Marian S Irvin, Clerk of the City of Bakersfield, have compared the foregoing proposed and ratified amendments to the Charter of the City of Bakersfield with the original proposed amendments submitted to the qualified electors of the said City of Bakersfield at a special election held within the City of Bakersfield on June 8, 1954, and find that the foregoing is a full, true, 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 Bakersfield to be attached this 3rd day of January, 1955.

MANUEL J. CARNAKIS
(SEAL) Mayor of the City of Bakersfield
MARIAN S. IRVIN
Clerk of the City of Bakersfield

and

WHEREAS, Said amendments to the charter of the City of Bakersfield so ratified as hereinbefore set forth 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 Senate of the State of California, the Assembly thereof concurring, a majority of all members elected to each house voting for the adoption of this resolution and

concurring therein, That said amendments to the charter of the City of Bakersfield herein set forth as presented and submitted to and ratified and adopted by the qualified electors of the City of Bakersfield, be and the same are hereby adopted as a whole for and as amendments to the said charter of the City of Bakersfield.

CHAPTER 31

Senate Concurrent Resolution No. 17—Approving amendment to the charter of the City of Sunnyvale, 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 consolidated municipal election held therein on the second day of November, 1954.

[Filed with Secretary of State, January 14, 1955.]

City of Sunnyvale Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment hereinafter set forth, to the charter of the City of Sunnyvale, State of California, as set out in the certificate of the mayor and city clerk of said city, attached hereto and made a part hereof; and

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA } ss
CITY OF SUNNYVALE

CERTIFICATE OF RATIFICATION OF AMENDMENT TO THE CHARTER OF THE CITY OF SUNNYVALE

Certificate

We, the undersigned, R. B. Gilmore, Mayor of the City of Sunnyvale, and Ida Trubschenck, City Clerk of said City, do hereby certify as follows:

That the City of Sunnyvale, a municipal corporation in the County of Santa Clara, 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 June 7, 1949, 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 Sunnyvale at an election held for that purpose on the 10th day of May, 1949, and approved by the Legislature of the State of California on the 2nd day of June, 1949.

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 Sunnyvale on its own motion duly made and entered on the minutes of said City Council on the 10th day of September, 1954, duly and regularly prepared and pro-

posed to submit to the qualified voters of said City of Sunnyvale a proposed amendment to the Charter of said City of Sunnyvale, said charter amendment being designated as Charter Amendment No. *2*, filed in the office of the Clerk of said City of Sunnyvale on said 10th day of September, 1954, and further ordered that said charter amendment should be submitted to and voted upon by the qualified voters of said City at a special consolidated municipal election called and held for that purpose in said City on the 2nd day of November, 1954.

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 17th day of September, 1954, in "The Sunnyvale Standard", a weekly newspaper of general circulation printed and published in said City of Sunnyvale (it being the official newspaper of said City), and in all the editions thereof issued during said days of publication.

That the City Council, on its own motion, elected to submit to the electors of the City of Sunnyvale at a special consolidated municipal election to be called for that purpose, an amendment to the Charter of the City of Sunnyvale providing for a City Council to consist of seven members.

That said special consolidated municipal election was held in said City of Sunnyvale on November 2, 1954, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposed amendment, and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendment designated as said Charter Amendment No. 2, and that the Board of Supervisors of the County of Santa Clara, 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 proposed 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 Sunnyvale, so ratified by the electors of said City of Sunnyvale, is in words and figures as follows, to-wit:

CHARTER AMENDMENT No. 2

That Section 700 of the Charter of the City of Sunnyvale, State of California, be amended to read as follows:

Members of city council Election and terms

"Commencing with the Monday next succeeding the second Tuesday in April, 1955, the City Council of the City of Sunnyvale shall consist of seven members, each of whom shall be elected from the City at large, and who shall serve for a term as next provided in this section.

The four candidates receiving the highest number of votes at the municipal election of April, 1955, shall serve for a term of four years commencing forthwith on completion of the canvass of ballots of the election to be held on the second Tuesday in April, 1955, or until their successors shall have been duly elected and qualified. The candidate receiving the next highest number of votes shall serve for a term of two years, commencing forthwith on completion of the canvass of ballots of the election to be held on the second Tuesday in April, 1955, or until his successor shall have been duly elected and qualified.

Thereafter all candidates elected as members of the City Council shall serve for a term of four years commencing forthwith on completion of the canvass of ballots of the election to be held on the second Tuesday of each April at which a general municipal election shall be conducted, or until their respective successors shall have been elected and qualified."

That we have compared the foregoing amendment with the original proposal submitted to the electors of said City of Sunnyvale 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, and each of them is true.

The foregoing proposed and ratified amendment to the Charter of the City of Sunnyvale is hereby 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.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of said City of Sunnyvale to be affixed hereto this 21st day of December, 1954.

R. B. GILMORE
(SEAL) Mayor of the City of Sunnyvale
State of California
IDA TRUBSCHENCK
City Clerk of the City of Sunnyvale
State of California

Subscribed and sworn to before me this 21st day of December, 1954.

CAROLINE A. MUSSO
(SEAL) Notary Public in and for the County of Santa Clara, State of California
My commission expires: Oct. 15, 1957

and

WHEREAS, Said proposed charter amendment has been and 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 said charter, herein set forth, as submitted to and ratified by the qualified electors of said city, be, and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the charter of said City of Sunnyvale. Approval

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CHAPTER 32

Senate Concurrent Resolution No. 20—Relative to making additional funds available to the Legislative Budget Committee, established by Chapter 1667, Statutes of 1951.

[Filed with Secretary of State, January 14, 1955]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available to it, the sum of three hundred thousand dollars ($300,000) 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 33

Assembly Concurrent Resolution No. 27—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, January 15, 1955]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That leaves of absence from the State for a longer period than 60 days dur ng their terms of office are hereby granted to His Excellency Goodwin J. Knight, Governor of the State of California; the Honorable Harold J. Powers, Lieutenant Governor of the State of California; to Frank M. Jordan, Secretary of State; to Edmund G. Brown, Attorney General; to Robert C. Kirkwood, Controller; to Charles G. Johnson, Treasurer; to Roy E. Simpson, Superintendent of Public Instruction; to George R. Reilly, James H. Quinn, Paul R. Leake, and Robert McDavid, Members of the Board of Equalization; and to the following Members of the Senate and the Assembly:

Senators F. Presley Abshire, Swift Berry, Arthur H. Breed, Jr., Charles Brown, Hugh M. Burns, James E. Busch, Paul L. Byrne, James A. Cobey, Randolph Collier, Nathan F. Coombs, James E. Cunningham, Sr., Earl D. Desmond, Nelson S. Dilworth, Hugh P. Donnelly, Jess R. Dorsey, A. A. Erhart, Luther E. Gibson, Donald L. Grunsky, Ben Hulse, Ed. C. Johnson, Harold T. Johnson, Fred H. Kraft, James J. McBride, John F. McCarthy, Robert I. McCarthy, George Miller, Jr., Robert I. Montgomery, John A. Murdy, Jr., Harry L. Parkman, Edwin J. Regan, Richard Richards, Louis G. Sutton, Alan Short, Stephen P. Teale, John F. Thompson, Clarence C. Ward, A. W. Way, Fred Weybret, Dale C. Williams, and J. Howard Williams; Assemblymen Bruce F. Allen, L. M. Backstrand, Jack A. Beaver, Carlos Bee, Frank P. Belotti, Frank G. Bonelli, Clark Bradley, Bernard R. Brady, Ralph M. Brown, Montivel A. Burke, Thomas W. Caldecott, J. Ward Casey, Charles Edward Chapel, George A. Clarke, John L. E. Collier, Charles J. Conrad, Glenn E. Coolidge, Daniel J. Creedon, Rex M. Cunningham, Walter I. Dahl, Pauline L. Davis, Randal F. Dickey, Clayton A. Dills, Richard J. Dolwig, Dorothy M. Donahoe, Donald D. Doyle, Thomas J. Doyle, Edward E. Elliott, Thomas M. Erwin, Gordon A. Fleury, Edward M. Gaffney, Ernest R. Geddes, Samuel R. Geddes, W. S. Grant, William W. Hansen, Augustus F. Hawkins, Sheridan N. Hegland, Wallace D. Henderson, Don Hobbie, James L. Holmes, Seth J. Johnson, H. W. Kelly, Vernon Kilpatrick, Herbert R. Klocksiem, Frank Lanterman, Harold K. Levering, Luther H. Lincoln, Francis Lindsay, Lloyd W. Lowrey, Frank Luckel, LeRoy E. Lyon, Jr., Thomas A. Maloney, William F. Marsh, S. C. Masterson, Richard H. McCollister, John J. McFall, Patrick D. McGee, Lester A. McMillan, Charles W. Meyers, Allen Miller, G. Delbert Morris, William A. Munnell, Roy J. Nielsen, Eugene G. Nisbet, John A. O'Connell, Alan G. Pattee, Roscoe L. Patterson, Carley V. Porter, Thomas M. Rees, William B. Rumford, Wanda Sankary, Jack Schrade, Joseph C. Shell, H. Allen Smith, Earl W. Stanley, A. I. Stewart, Vincent Thomas, Jesse M. Unruh, Caspar W. Weinberger, and Charles H. Wilson.

The leaves of absence granted by this resolution are also granted to the successors of any of the above named officers during their terms of office as such successors.

CHAPTER 34

Senate Concurrent Resolution No. 10—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 18, 1955.]

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

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 seven hundred fifty dollars ($750) 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, 1955, and shall be of no further force or effect after January 31, 1957.

CHAPTER 35

Senate Concurrent Resolution No. 21—Relative to Joint Rules of the Senate and Assembly.

[Filed with Secretary of State, January 18, 1955.]

Joint rules

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 1955 Regular Session of the California Legislature.

JOINT RULES OF THE SENATE AND ASSEMBLY

COMMITTEES AND COMMITTEE MEETINGS

Standing Committees

Standing committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number

of members and the manner of selection to be determined by the Rules of each house.

Joint Committees

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 Meeting of 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.

Effect of Adoption of Joint Rules

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.

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

Daily File

16. A daily File of bills ready for consideration shall be printed each legislative day for each house.

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

Printing of History

Histories

17. Each house shall cause to be printed, once each week, during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History.

Immediately following the adjournment for the constitutional recess, the History shall be compiled and printed to date of recess by the Secretary of the Senate and the Chief Clerk of the Assembly.

Authority for Printing Orders

Printing orders

18. The 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.

The Secretary of the Senate and the Chief Clerk of the Assembly are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the Rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

Record of Bills

Secretary and Chief Clerk to Keep Records

Record of bills

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

Secretary and Chief Clerk Shall 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

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered. Messages

Passage and Enrolling of Bills

Passage of Bills Preceding Final Adjournment

23. No Senate bill shall be passed by the Senate and no Assembly bill shall be passed by the Assembly within 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). Passage preceding final adjournment

Enrollment of Bill After Passage

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling 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. Enrollment

Amendments and Conferences

Amendments to Amended Bills Must Be Attached

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Two copies of 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 Amendments

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

29. The report of the Committee on Conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees appointed; provided, however, that no more than three different Conference Committees shall be appointed on any one bill. Same Report

It shall require the affirmative vote of not less than two of the Senate members and two of the Assembly members constituting the committee to agree upon a report. No member who has served on a Committee on Conference shall be appointed a member of another Committee on Conference on the same bill.

When Conference Committee Report Is in Order

30. The presentation of the report of a Committee on Conference shall always be in order, except when a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate. Same

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.

Miscellaneous Provisions

Authority When Rules Do Not Govern

31. All relations between the houses which are not covered by these Rules shall be governed by Mason's Manual. Mason's Manual

Press Rules

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.

(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

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. Dispensing with rules

Opinions of 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. Legislative Counsel opinions

34.1. Whenever the Legislative Counsel has been requested to draft a resolution commemorating or taking note of any event, or a resolution congratulating or expressing sympathy toward any person, and subsequently receives a similar request from another Member of the Legislature, he shall inform each subsequent requester that such a resolution is being, or has been, prepared, and shall furnish such subsequent requester with the name of the member for whom the resolution was, or is being, prepared. Commemorative resolutions

Expense of Members

35. As provided in Sections 2 and 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. Expenses of members

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

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute pro- Investigating committees

vide 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.

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 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 incurred in connected 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

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.

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 committee 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 in-

curred 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.

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 requester to provide the requesting committee or legislator with the service or information requested, and thereupon shall notify the requester 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 requester. In the event the committee

refuses such authorization, he shall inform such requester 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 Commit-

tee 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.

Workmen's compensation reports

41 The chairman of the Rules Committee of each house of the Legislature shall sign any required workmen's compensation report regarding injuries or death arising out of and within the course of employment suffered by any member, officer or employee of the house, or any employee of a standing or interim committee thereof. In the case of a joint committee, the chairman of the Rules Committee of either house may sign any such report in respect to a member or employee of such joint committee.

CHAPTER 36

Assembly Joint Resolution No. 2—Relative to closing the United States-Mexico border to unescorted minors.

[Filed with Secretary of State, January 18, 1955.]

WHEREAS, Citizens of the United States are permitted to visit and return from many towns across the Mexican border without restriction; and

WHEREAS, A congressional committee has reported information that many minors are visiting these towns for the sole purpose of obtaining drugs, including marijuana and heroin; and

WHEREAS, The increased use of narcotics by minors is becoming a serious problem in the United States; and

WHEREAS, Recently more and more sinister crimes have been committed by minors while under the influence of narcotics; and

WHEREAS, Restrictions on narcotic drugs under the laws of the United States are of little force and effect if minors have free access to the drugs; 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 State Department to take such measures as may be necessary to close the United States-Mexico border to all minors who are not accompanied by adults; 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 to the Secretary of State of the United States, and to each Member of Congress from California.

CHAPTER 37

Assembly Joint Resolution No. 3—Relative to the observance of the Centennials of the Opening of the Pacific Overland Mail.

[Filed with Secretary of State, January 18, 1955]

WHEREAS, By act of Congress, dated March 3, 1857, the Postmaster-General of the United States was, for the first time, authorized to contract for the conveyance overland, from the Mississippi River to San Francisco, California, of all letter mail; and

WHEREAS, Until that time the conveyance of letter mail to the Pacific Coast had been by the long, slow, arduous ocean route fraught with danger from storm and sea and totally dependent upon the vagaries of the wind; and

WHEREAS, The opening of service upon the overland route authorized by Congress was the culminating event of a series of events of prime importance not only to the development of the West and California, but also to the development of the United States; and

WHEREAS, Centennial celebrations of these events should be fittingly observed throughout the length and breadth of the Nation for from the modest "four horse coaches, or spring wagons, suitable for the conveyance of passengers, as well as the safety and security of the mails," required by the act, have developed our modern systems of communications which bind the East and West into one great Nation; and

WHEREAS, The American Association for State and Local History has undertaken the national sponsorship of centennials and has established regional committees to plan such centennials; and

WHEREAS, A regional committee has been set up in California which is known as the "California Committee, Overland Mail Centennials, 1957-1958"; 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 President and the Congress of the United States to take appropriate action to insure the cooperation of the Federal Government in the celebration of the Centennials of the Opening of the Pacific Overland Mail; and be it further

Resolved, That the Legislature of the State of California respectfully urges that all state and local governmental units; public schools; civic, patriotic, and historical societies; and all agencies of communication do participate wholeheartedly in the observance of the celebration of the Centennials of the Opening of the Pacific Overland Mail by cooperating fully with the California Committee, Overland Mail Centennials, 1957-1958, in commemorating the acts, the accomplishments, and the memories of those sturdy pioneers who engineered the beginnings of overland communication between the Atlantic and Pacific Coasts; and be it further

Resolved, That the Legislature of the State of California does hereby commend the American Association for State and Local History for its action in undertaking on a national scale the sponsorship for the centennial observances of the Opening of the Pacific Overland Mail; and be it further

Resolved, That the Legislature of the State of California does hereby respectfully request that the Governor of the State of California transmit copies of this resolution to the President and Vice President of the United States; to the Speaker of the House; to the Senators and Representatives of the State of California in Congress; to the governors of the several states and territories; to the board of supervisors of each California county; to the mayor of each incorporated city; to the titular head of the American Association for State and Local History, American Historical Association, Pacific Coast Branch of the American Historical Association, California Historical Society, Historical Society of Southern California, Conference of California Historical Societies, California History Foundation, Native Sons of the Golden West, Native Daughters of the Golden West, National Committee for the Overland Mail Centennials, and California Committee for the Overland Mail Centennials.

CHAPTER 38

Assembly Joint Resolution No. 5—Relative to memorializing the President and Congress to have the Mammoth Pass Road in California constructed as a national defense highway.

[Filed with Secretary of State, January 18, 1955.]

WHEREAS, The National Government is maintaining a naval ammunition depot at Hawthorne, Nevada, for national defense; and

WHEREAS, The National Government has assisted in the construction of a national highway from the Mexican border to the Canadian line, known as United States Highway No. 395; and

WHEREAS, The United States Highway No. 395 connects with various other highways leading to other portions of California; and

WHEREAS, The central portions of California, namely San Joaquin and Santa Clara Valleys, are without direct defense for a great portion of each year because of snow on the high Sierra Mountains; and

WHEREAS, The Mammoth Pass, which is within a few miles of United States Highway No. 395, is much lower and in more open country than the other passes and is not closed with snow for as long a time in the winter months as the other passes; and

WHEREAS, A portion of said proposed highway has been constructed by the Forestry Department, building from both sides

of the mountain range, leaving a distance of approximately 28 miles to connect the United States Highway No. 395 and State Highway Route 125; and

WHEREAS, The construction of a highway over the said Mammoth Pass which could be kept open during the entire year through the use of modern machinery would be an important link in coast defense, inasmuch as the transportation of munitions from the naval ammunition dump at Hawthorne, Nevada, to San Joaquin Valley and coast points would be greatly facilitated thereby; and

WHEREAS, The proposed highway will connect with U. S. Highway No. 99 from which several state highways lead across the Coast Range to the Santa Clara Valley on the west side of the said range, and connect with U. S. Highways Nos. 101 and 466; and

WHEREAS, The construction of the proposed highway would not only be of importance from the standpoint of national defense, but would be of inestimable advantage from an economic standpoint, in that it would:

(a) Afford an opportunity for the development of a virgin territory with extensive natural lumber resources amounting to upwards of 2,800,000,000 board feet of a present commercial value and an additional 2,000,000,000 board feet of potential pulp timber and substantial deposits of iron, lead and silver;

(b) Attract a large number of visitors to view the priceless heritage of forests, mountains, game animals, birds and other scenic beauties of the region which would be open to tourist and other travel;

(c) Provide a loop trip for those persons traveling from Southern California to the Owens River Valley by the eastern route; and

(d) Assist in the full power and irrigation storage development of the upper San Joaquin River in order to meet the needs of the Central Valley Project; and

WHEREAS, The building of the proposed highway would contribute in great measure to the future and increasing growth and prosperity of the San Joaquin Valley and of other portions of this State; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the President and the Congress of the United States be memorialized to take such steps as may be necessary to have the said Mammoth Pass Road constructed as a national defense highway, to commence at or near Casa Diablo in Mono County, on United States Highway No. 395, and continue over Mammoth Pass at the most feasible location and connect with State Highway Route 125 in Madera County, a distance of approximately 28 miles; and be it further

Resolved, That the Congress of the United States be memorialized to make a suitable appropriation to construct said highway as soon as possible; and be it further

Resolved, That a copy of this resolution be sent by the Chief Clerk of the Assembly to the President and Vice President of

the United States, to the Secretary of War, and to each Senator and Representative from California and from Nevada in the Congress of the United States; and the Senators and Representatives from California and Nevada are hereby respectfully urged to request such action.

CHAPTER 39

Assembly Concurrent Resolution No. 11—Relative to the display of the California State Flag.

[Filed with Secretary of State, January 18, 1955]

WHEREAS, On the fourteenth day of June, 1846, at Sonoma, California, a pitifully few gallant men, whose love of freedom exceeded even their love of life, raised a new banner to the western breeze and resolutely cast off what they deemed to be the oppressive yoke of military tyranny; and

WHEREAS, The banner which they raised in declaration of their independence from Mexican rule, the Bear Flag, became and remains the official Flag of California; and

WHEREAS, It is symbolic of the courage and determination of those 24 Americans and of the dedicated service of the devoted men and women who through the perilous years have guided the destiny of California, first as a republic and then as a sovereign state of the United States; and

WHEREAS, To these men and women, as well as to the founding fathers of our Nation, we owe a debt of gratitude for our priceless heritage of liberty; 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 respectfully urge that all individuals and groups in California, both public and private, displaying the Flag of the United States, also display, in respect to the hallowed memory of the men and women responsible for the freedom which we of California enjoy, the California State Flag.

CHAPTER 40

Assembly Concurrent Resolution No. 31—Relative to the passing of the Honorable T. Fenton Knight.

[Filed with Secretary of State, January 18, 1955]

WHEREAS, On the seventh day of July, 1954, at the age of 72, death came to one of California's most able and distinguished adopted sons, our good friend and former fellow colleague, the Honorable T. Fenton Knight; and

WHEREAS, It is with a profound sense of loss that we do hereby mark his passing on to the greatest of all rewards, an everlasting life; and

WHEREAS, The illustrious record of accomplishment and honorable public service which he inscribed in the Book of Life is inspirational and worthy of high tribute; and

WHEREAS, T. Fenton Knight was born in Alanthus Grove, Missouri, in the year 1882. He came to California with his parents in 1886 and from 1887 until the date of his death was a resident of La Canada; and

WHEREAS, He was educated in the schools of La Canada and Pasadena and during 1902 and 1903 attended Northwestern University Medical School; and

WHEREAS, Prior to his election in 1938 to the Legislature of the State of California, he had engaged in and knew intimately the problems of a wide variety of enterprises. He was, during the years 1904 through 1907, a reporter successively on the Chicago-InterOcean, the Los Angeles Morning Herald, and the Los Angeles Examiner newspapers. For the next four years he was engaged, in partnership with his father, Jesse Knight, as a grower-shipper of citrus fruit. He then devoted his considerable talents to the investment banking and stock-brokerage business and, subsequent to 1932, to corporate reorganization management and citrus culture. In the performance of his civic duties he served faithfully from 1921 until 1927 as a member of the La Canada Elementary School Board; and

WHEREAS, During his 10 consecutive years of service, from 1938 until 1948, as an honored and respected Member of the Assembly of the State of California from the 48th Assembly District, he served with distinction as Chairman of the Assembly Committee on Municipal and County Government, Chairman of the Assembly Committee on Public Utilities, and as Vice Chairman of the Joint Legislative Budget Committee. He was particularly noted for his great parliamentary ability and for his courage, integrity, and fairness. He sought always to serve the best interests of the people of the State of California; and

WHEREAS, Upon his retirement from the Legislature he was named as an ambassador of good will from the State of California and as such traveled extensively in Africa and South America, primarily for purposes of agricultural and economic surveys; and

WHEREAS, At his death, he was treasurer and a member of the board of directors of the Consolidated Rock Products Company and Vice President of United Laboratories which pioneered in the development of ACTH and related pharmaceuticals; and

WHEREAS, He was a member of the Executive Committee of the Republican State Central Committee, and a member of many organizations, including the Sutter Club of Sacramento, Stock Exchange Club of Los Angeles, Los Angeles Athletic

Club, Pasadena Pioneer Society, and the University Club of Pasadena; and

WHEREAS, He leaves behind to mourn his passing and receive the heartfelt sympathy of all, a wife, Mrs. Julia Murray Knight of La Canada; a daughter, Mrs. Elizabeth Knight Delaney of Hingham, Massachusetts; and a son, T. Fenton Knight, Jr., of La Canada; 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 do hereby extend their most sincere condolences to the family of the Honorable T. Fenton Knight and pray that the Lord will comfort them in their hour of need; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to prepare and transmit suitable copies of this resolution to the members of the bereaved family of the Honorable T. Fenton Knight.

CHAPTER 41

Assembly Concurrent Resolution No. 36—Relative to approving an amendment to the charter of the County of Sacramento, State of California, voted for and ratified by the qualified electors of said county at an election held therein on the eighth day of June, 1954.

[Filed with Secretary of State, January 18, 1955.]

County of Sacramento Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the charter of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and county clerk of the said county as follows, to wit:

CERTIFICATE OF FACTS

Certificate

WHEREAS, The County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the 1st day of July, 1933, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 27th day of April, 1933, and subsequently approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 11th day of May, 1933; and

WHEREAS, The Board of Supervisors of said County pursuant to the provisions of Section 7½ of Article XI of Said Constitution did, by Resolution, adopted the 14th day of April, 1954, duly propose to the qualified electors of said County of Sacramento an amendment to the Charter of said County and

ordered that said proposed amendment be submitted to the said qualified electors of said County at the Primary State Election to be held on the 8th day of June, 1954; and

WHEREAS, Said amendment so proposed was published ten times, to-wit: beginning April 16, 1954, and ending April 29, 1954, inclusive, in the Daily Recorder, a newspaper of general circulation in said County, printed, published and circulated in said County of Sacramento, State of California; and

WHEREAS, The Board of Supervisors of said County of Sacramento did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the 28th day of June, 1954, did duly declare the result of said Primary State Election as determined from the canvass of the returns thereof; and

WHEREAS, At said Primary State Election held on the 8th day of June, 1954, said proposed County Charter Amendment 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 Sacramento 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 the words and figures as follows:

PROPOSED COUNTY CHARTER AMENDMENT

Shall Section 71 of Article XVI of the Charter of the County of Sacramento relating to townships be repealed? Repeal

STATE OF CALIFORNIA }
County of Sacramento } ss.

We, the undersigned, James R Garlick, Chairman of the Board of Supervisors of the County of Sacramento, State of California, and C. C. LaRue, County Clerk and Ex-officio Clerk of the Board of Supervisors of said County of Sacramento, so hereby certify:

That the foregoing proposed and ratified amendment to the Charter of said County of Sacramento, submitted to the electors of said County at the Primary State Election held on the said 8th day of June, 1954, have been compared by us, and each of us, with the proposed amendment set forth in the said Resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento this 10th day of January, 1955.

(SEAL)

JAMES R. GARLICK,
Chairman of the Board of Supervisors of Sacramento County, California

C. C. LARUE,
County Clerk and Ex-officio Clerk of the Board of Supervisors of the County of Sacramento, State of California

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth, has been and now is duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration or amendment in accordance with Section 7½ 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 County of Sacramento, as presented to, and adopted, and ratified, by the electors of said county and as hereinbefore fully set forth, be, and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to, and as a part of, the charter of said County of Sacramento.

CHAPTER 42

Assembly Concurrent Resolution No. 39—Relative to approving certain amendments to the charter of the City of Culver City in the County of Los Angeles, State of California, voted for and ratified by the electors of the city at the general municipal election held therein on the thirteenth (13th) day of April, 1954.

[Filed with Secretary of State, January 19, 1955]

City of Culver City 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 Culver City, 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 the City of Culver City, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF CULVER CITY OF CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA
County of Los Angeles
City of Culver City

Certificate

We, the undersigned, Curtis J. Davis, Mayor of the City of Culver City, County of Los Angeles, State of California, and Theodore R. Owings, City Clerk and Ex-officio Clerk of said City Council of the City of Culver City, doe hereby certify and declare as follows:—

That the City of Culver City, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was, a city having a population of more than thirty-five hundred (3,500) inhabitants and less than fifty thousand (50,000) inhabitants, and has been, since January 21st, 1947, and is now organized and acting under a 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 such City at a special election held for that purpose on the 7th day of January 1947, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 21st day of January, 1947, (Statutes 1947, page 3386).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, on its own motion the Council of the City of Culver City, being the legislative body thereof, duly and regularly submitted to the qualified electors of the said City of Culver City certain proposals for amendment of the Charter of said City, to be voted upon by said qualified electors at a special election consolidated with the General Municipal Election held, as provided for by law, in said City on the 13th day of April, 1954, which said proposal was designated as Proposed Charter Amendments Nos. 1, 2, 3, 4, 5, 6 and 7.

That the City Council did, at a regular meeting held on the 23rd day of February, 1954, by Resolution No. CS-2348, adopted by a four-fifths vote of said City Council, submitting to the electors of said City of Culver City at a Special Election consolidated with the General Municipal Election to be held in said City on the 13th day of April, 1954, the proposition of the adoption of said proposed Charter amendments framed by the legislative body of said City, which proposed Charter amendments are set out in said Resolution and designated as "Proposed Charter Amendments to the Charter of the City of Culver City, California."

That said proposed Charter amendments were published and advertised in accordance with Section 8, Article XI of the Constitution of the State of California, in The Citizen, a

weekly newspaper of general circulation, printed, published and circulated in said City of Culver City.

That pursuant to the law in such cases made and provided the said proposed amendments were submitted to the qualified electors of said City for their ratification at said Special Municipal Election, and that at said Election, a majority of the qualified electors voting thereon voted in favor of the ratification and did ratify proposed amendments to the Charter of said City, hereinafter fully set forth.

That the City Council of the said City of Culver City in accordance with the law in such cases made and provided did meet on the 20th day of April, 1954 at its usual time and place of meeting and duly canvassed the returns of said election as certified by the election boards and duly found, determined and declared that said proposed amendments to the Charter of the City of Culver City were ratified by a majority of the electors of said city voting thereon.

That said Amendments to the Charter so ratified by the electors of the City of Culver City are in words and figures as follows:—

"PROPOSED CHARTER AMENDMENT No. 1: Shall the Charter of the City of Culver City be amended by adding thereto a new section to be designated as Section 518 to read in its entirety as follows:—

Citizen participation at council meetings

'Section 518. Citizen Participation. No citizen shall be denied the right personally, or through counsel, to present grievances at any regular or special meeting of the Council, or offer suggestions for the betterment of municipal affairs."

"PROPOSED CHARTER AMENDMENT No. 4: Shall the Charter of the City of Culver City be amended by adding thereto a new section to be designated as Section 1411 to read in its entirety as follows:—

Independent audit

"Section 1411. Independent Audit. The City Council shall employ at the beginning of each fiscal year an independent, qualified public accountant or firm of such accountants who, at such time or times as may be specified by the City Council, 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, employees, departments or agencies 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 or firm to the City Council, one copy thereof to be distributed to each member, one to the City Attorney and the City Treasurer, respectively, two to the Chief Administrative Officer, 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, and a copy of the financial statement as of the close of the fiscal year shall be published in the official newspaper. Such accountant or firm shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or of any of the officers of the City."

"PROPOSED CHARTER AMENDMENT No. 5: Shall the Charter of the City of Culver City be amended by adding thereto new sections to be designated as Sections 1412, 1413, 1414, 1415 and 1416 to read in their entirety as follows:—

Annual budget Preparation

'Section 1412. Annual Budget. Preparation. At such date as he shall determine, the Chief Administrative Officer, personally, or through the Controller if one exists, shall obtain from each head of any department, office or agency of the City, estimates of revenues and expenditures for such department, office or agency, detailed in such manner as may be prescribed by the Chief Administrative Officer. In preparing the proposed budget, the Chief Administrative Officer shall review the estimates, hold conferences thereon with the department, office and agency heads, respectively, and may revise the estimates as he may deem advisable.

Submission to city council

'Section 1413. Budget. Submission to City Council. At least forty-five days prior to the beginning of each fiscal year, the Chief Administrative Officer shall submit to the City Council the proposed budget as prepared by him. After reviewing the proposed budget 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 public inspection in the office of the City Clerk at least ten days prior to said hearing.

Public hearing

'Section 1414. 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.

Consideration and adoption

'Section 1415. Budget. Further Consideration and Adoption. At 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 June 30, it shall adopt the budget with revisions, if any, by the affirmative votes of at least three 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 Chief Administrative Officer, and with the Controller if one exists, 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 public 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 1416. 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.

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 four members."

That we have compared the foregoing amendments with the original proposals submitting the same to the electors of said city and find that the foregoing are full, true, correct and exact copies thereof and of each of them; we further certify that the facts set forth in the preamble preceding such amendments to said charter are and each of them is true.

That as to all of 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 said City of Culver City to be affixed hereto this 26 day of November 1954.

CURTIS J. DAVIS
(SEAL) Mayor of the City of Culver City, California

ATTEST:
THEODORE R. OWINGS, City Clerk

WHEREAS, The proposed amendments to the charter of the City of Culver City so ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration in accordance with Section 8 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 Culver City as proposed to and adopted and ratified by the electors of said City of Culver 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 a part of the charter of the City of Culver City, a municipal corporation in the County of Los Angeles, State of California.

CHAPTER 43

Assembly Joint Resolution No. 4—Relative to the compensation of postal employees.

[Filed with Secretary of State, January 20, 1955.]

WHEREAS, Employees of the United States Post Office Department have received but one wage increase since 1949,

which increase failed to compensate them for the great increase in the cost of living that has occurred since 1949; and

WHEREAS, Most other public and private employees have received wage increases which more nearly enable them to meet the increased living costs; and

WHEREAS, Any increase in the cost of living particularly affects postal employees because of their relatively low wages; and

WHEREAS, Postal employees should receive an increase in wages not only because such an increase would be equitable but also because the efficiency of the postal system would be enhanced thereby; 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 legislation for an increase in the compensation of postal employees commensurate with existing costs of living; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies 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 the State of California in the Congress of the United States.

CHAPTER 44

Assembly Concurrent Resolution No. 16—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 20, 1955.]

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 Assembly of the State of California, the Senate thereof concurring, That the 1955 Regular Session of the Legislature of the State of California shall adjourn for said recess at 5 o'clock p.m. on the twenty-first day of January, 1955, and shall reassemble at 12 o'clock m. on February 28, 1955.

CHAPTER 45

Assembly Concurrent Resolution No. 29—Relative to commending Arthur B. Krim, Max Youngstien, and William Heineman of the United Artists Corporation, for the production and release of "Romeo and Juliet."

[Filed with Secretary of State, January 20, 1955]

WHEREAS, Renato Castellani has recently directed and produced a magnificent technicolor film of the tragedy of Shakespeare's immortal lovers, "Romeo and Juliet"; and

WHEREAS, The scene of this greatest of Shakespearean tragedies of love was laid in the City of Verona, Italy, giving the famous drama a richness and wealth of atmosphere that could never have been attained on the stage or inside studio walls; and

WHEREAS, This unconventional, daring and individualistic filming of "Romeo and Juliet" with a fresh and vital approach is enough in itself to make the story of the "star-crossed lovers" a production to remember; and

WHEREAS, This marks another brilliant achievement for the director, Renato Castellani, whose genius enables him to mould polished portrayals from untrained performers such as Susan Shentall, playing the part of the lovely Juliet, and at the same time coax greatness from professional stars such as Laurence Harvey, playing the part of the fiery Romeo; and

WHEREAS, The United Artists Corporation has released this epochal achievement in film-making in this Country and the Members of the Legislature were graciously afforded the privilege of seeing this moving drama at the Alhambra Theatre on January 6th; and

WHEREAS, The Members of the Legislature have the highest praise for the performance and direction of this deathless love story; now, therefore, be it

Resolved by the Assembly of the State of California, That this body commends Arthur B. Krim, President, Max Youngstien and William Heineman, Vice Presidents, of the United Artists Corporation on the production and release of "Romeo and Juliet" and extends its thanks for the special showing for the Members of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Arthur B. Krim, Max Youngstien, and William Heineman of the United Artists Corporation.

CHAPTER 46

Assembly Concurrent Resolution No. 38—Relative to commending the United States Junior Chamber of Commerce on the occasion of the celebration of its thirty-fifth anniversary.

[Filed with Secretary of State, January 20, 1955]

WHEREAS, On January 21, 1955, the United States Junior Chamber of Commerce will observe the thirty-fifth anniversary of its founding; and

WHEREAS, This fine organization of dedicated young men of the business world are a potent and articulate force in the business and governmental affairs of our Nation; and

WHEREAS, The worthy program of these young future leaders of our Country places particular emphasis on youth development and leadership training, a program which is so intensely vital to the survival of this great Country of ours in the counteraction of the insidious effects of the Soviet attacks on the American way of life; and

WHEREAS, This counseling of our youth is made possible by the democratically organized state chambers and local chapters of the United States Junior Chamber of Commerce whereby the national body has grown dynamically over the years to the point that now there are over 2,750 local chapters and 200,000 individual members. In addition, the junior chamber of commerce movement is now world-wide, existing in 58 countries and including another 100,000 young men practicing the same democratic principles as we pursue in America; and

WHEREAS, In our great and beloved State of California, the junior chamber movement was officially inaugurated in the formation of four local chapters 28 years ago, on January 15, 1927. From the original four chapters, the California Jaycees have constantly expanded until there are now 161 local chapters with a total membership in excess of 10,000. In addition to their emphasis on youth development and leadership training, these young men, devoted to the advancement of our American system of living, give unstintingly of their time in the promotion of civic improvement, safety programs and in public affairs in general; and

WHEREAS, The exemplary work of the California Jaycees is so typical of the extraordinary efforts of our young leaders throughout the Country as a whole to help our Country maintain its position of world leadership in these critical times, it is only fitting that this Legislature give due recognition to and commendation of the national body of this organization upon the occasion of its thirty-fifth anniversary; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the United States Junior Chamber of Commerce be commended on the fine work it is doing to preserve and protect our American way of life and

free enterprise system in these critical times and earnestly enjoined to carry on their very praiseworthy endeavors in years to come; and be it further

Resolved, That the Chief Clerk of the Assembly be instructed to prepare and transmit a suitably engrossed copy of this resolution to the President of the United States Junior Chamber of Commerce, and to the President of the California State Junior Chamber of Commerce.

CHAPTER 47

Assembly Concurrent Resolution No. 41—Relative to commending the American Legion for organizing American Legion junior baseball and requesting the Governor to set aside a day to be known as "American Legion Junior Baseball Day."

[Filed with Secretary of State, January 20, 1955]

WHEREAS, The year 1955 is the 116th anniversary of baseball and the twenty-ninth anniversary of American Legion baseball; and

WHEREAS, One of the greatest programs in the field of "positive Americanism" is our American Legion junior baseball. This is an activity which inculcates better citizenship, teaches cleaner sportsmanship, develops courage, self-reliance, fair play, team spirit and builds the physical strength of our youth upon whom the crushing burden of responsibility for future government of our Country rests; and

WHEREAS, The magnitude and importance of this very worthy endeavor is demonstrated by the fact that it annually embraces more than 350 teams made up of more than 6,000 boys in the State of California alone and has produced several hundred players who have achieved baseball's highest honors by playing in the major leagues including such stars as Bob Feller, Hank Bauer, Yogi Berra, Andy Carey, Gerry Coleman, Dom DiMaggio, Ted Williams and Ferris Fain; and

WHEREAS, This fine endeavor so perfectly adapted to the mental and physical development of our youth was fostered by the American Legion which so many years ago recognized fully the great value of the typically American sport of baseball in the character building of our young people; and

WHEREAS, The time and effort expended in the organization, development and maintenance of such a nation-wide activity deserves the approbation and commendation of this body assembled; and

WHEREAS, The benefits of the preparation for life afforded these young people who will move on to positions of responsibility and leadership in their respective communities will be received by the people of the State of California, as well as the people of other states in these United States, it is only fitting that this Legislature, on behalf of the people of our

great State, pay tribute to the American Legion and give official recognition to the great value of American Legion junior baseball by requesting the Governor to set aside and declare a day in 1955 to be known as "American Legion Junior Baseball Day"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is respectfully urged to commemorate this very worthy program of positive Americanism by setting aside and declaring August 6, 1955, to be known as "American Legion Junior Baseball Day"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Honorable Goodwin J. Knight, Governor of the State of California, to the National Commander of the American Legion, and to the State Commander of the American Legion.

CHAPTER 48

Senate Concurrent Resolution No. 8—Relative to the creation of the Joint Legislative Committee for School Visitations.

[Filed with Secretary of State, January 20, 1955]

WHEREAS, The Senate Special Committee on Governmental Administration, created by Senate Resolution No. 157, 1953 Regular Session, has carefully studied the problems incident to the visitation by groups of school children to the State Capitol and has published a comprehensive report on the subject; and

WHEREAS, School visitations have reached a point where the numbers arriving at the Capitol are beyond that which can reasonably be handled without confusion, and they have become so great as to impair the educational value of such visits.

Proper educational preparation coupled with proper program arrangements for such visits can result in a beneficial educational experience for classes visiting the Legislature.

The Legislature must provide certain services for such visits if the educational potentials are to be achieved. Among these are instructional materials for the teacher, arrangements for scheduling trips, trained personnel to conduct the classes visiting the Capitol, and a planned schedule program during the visit; and

WHEREAS, There should be established a Joint Legislative Committee for School Visitations.

The Joint Legislative Committee for School Visitations should provide a booking office, guide service and a program for school visits.

The services provided by the committee should be made available to all school children studying government; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Joint Legislative Committee for School Visitations is hereby created.

2. The committee shall consist of three Members of the Senate appointed by the Committee on Rules thereof, and three 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 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.

4. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1957 Regular Session, with authority to file its report, if any, not later than the final legislative day of that session.

5. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To report its findings and recommendations to the Legislature from time to time and at any time, not later than herein provided.

(c) 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.

(d) To employ such technical and clerical assistants as may be necessary to enable the committee to properly execute its functions.

6. The sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the 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 49

Senate Concurrent Resolution No. 23—Relative to the continuance of joint committees.

[Filed with Secretary of State, January 20, 1955]

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. Each joint committee previously created by the Senate and Assembly of California acting concurrently and in existence on January 3, 1955, 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 50

Senate Concurrent Resolution No. 28—Relative to the visit of General Douglas MacArthur to California.

[Filed with Secretary of State, January 20, 1955.]

WHEREAS, The State of California is to be honored this month with a visit by one of the most distinguished military leaders in the history of our Country: General of the Army, Douglas MacArthur; and

WHEREAS, Our safety and prosperity on the western shores of the American continent have been made secure by the able leadership and brilliant strategy of General MacArthur, which achieved complete and lasting victory over our enemies in the Pacific; and

WHEREAS, Within five years after landing on the shores of the Empire of Japan to set up a military government of occupation, General MacArthur had so won the friendship of the people of Japan that he was able to strip the occupation forces of men to successfully oppose a new enemy in Korea without a single unfriendly incident in Japan; and

WHEREAS, General MacArthur is a devoted advocate of peaceful settlement of international disputes by fair agreements that are mutually satisfactory to the people of the countries concerned; and

WHEREAS, General MacArthur has devoted his energies to peaceful pursuits in industry and business since laying aside the heavy responsibilities of the military leadership in which he had so deservedly earned the grateful appreciation of all the people of our great Nation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California does hereby extend to General Douglas MacArthur a warm and heartfelt welcome on the occasion of his visit to our State, and offers its best wishes for many happy years of enjoyment of the peace that he did so much to make secure for our people; and be it further

Resolved, That the Secretary of the Senate be hereby directed to prepare and transmit a suitably engrossed copy of this resolution to General and Mrs. MacArthur.

CHAPTER 51

Assembly Joint Resolution No. 10—Relative to the extension of veterans benefits.

[Filed with Secretary of State, January 21, 1955]

WHEREAS, The very foundation of the governmental system of this Nation is the principle that all persons similarly situated are entitled to and shall be given equal treatment within the law; and

WHEREAS, This Nation has ever held as inviolate its obligations both formal and implied to those persons serving in its armed forces; and

WHEREAS, The citizen soldier who is drafted today is being deprived of equal benefits by way of veterans aid to education as have been received by those persons drafted but a short time before even though he is asked to make much the same, if not identical, sacrifices as were made by those veterans; and

WHEREAS, Many persons today in the armed forces volunteered with the implied and, in many instances, stated promise that they would receive educational benefits commensurate with their length of service; and

WHEREAS, It would be dishonorable and unjust to fail to keep faith with those serving our Nation in the armed forces during this hour of need; and

WHEREAS, Many draft boards have urged young high school graduates and others to volunteer for induction as soon as possible so that the time spent in the service would not break into a school year and emphasizing that the few months of education thus sacrificed would be more than amply repaid by the veterans educational benefits; and

WHEREAS, The failure to provide educational benefits for the present-day citizen soldier is not only a failure to fulfill agreement with its citizens serving in the armed services but also is a failure to keep faith with those citizens serving on our draft boards who have contributed immeasurably to the success of the selective service system; and

WHEREAS, Such action is a blot upon the sacred honor and integrity of this Nation which if allowed to remain will jeopardize the future of the selective service system at a time when the perils facing this Nation are as grave as any it has ever been called upon to face; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States and the Congress of the United States to restore the educational benefits for present and future service in the armed forces of 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 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 52

Assembly Concurrent Resolution No. 37—Relative to commending James Alan Guthrie for his outstanding accomplishments.

[Filed with Secretary of State, January 21, 1955.]

WHEREAS, The list of names of the men who have made California great would be incomplete if the name of James Alan Guthrie of San Bernardino County were not included therein; and

WHEREAS, James Alan Guthrie is now observing his fiftieth anniversary as a member of the staff and now editor and president of the San Bernardino Sun-Telegram, having begun his career with that newspaper as its high school correspondent in the year 1905 while he was a student at San Bernardino High School; and

WHEREAS, James Alan Guthrie on January 3, 1913, married Grace Kelley, which marriage was blessed by the arrival of a son, James K. Guthrie, and a daughter, Mrs. Kathleen

Lonergan, both of whom are associated with him in the conduct of the Sun-Telegram; and

WHEREAS, James Alan Guthrie has been a leader in the development of San Bernardino County, being a director of the Acme Colorprint Company, Pioneer Title Insurance & Trust Company; advisory board of Bank of America; chairman of the public information committee of the San Bernardino County and City Defense Councils; has been a leader of many civic campaigns; former director of the National Orange Show; member of the California Highway Commission; recipient of several awards for community service; Laymen's Citation Award, University of Redlands; member of the advisory board of the Automobile Club of Southern California; former member of the board of directors and in 1946 president of the San Bernardino Chamber of Commerce; member of the American Society of Newspaper Editors; Sigma Delta Chi, national professional journalistic fraternity; member of the Native Sons of the Golden West and of the Presbyterian Church; and

WHEREAS, James Alan Guthrie has served as a friend and adviser to numerous young people embarking on business or professional careers and has been one to whom citizens in great numbers have resorted for sage counsel or advice; and

WHEREAS, In addition to all the foregoing, James Alan Guthrie is known far and wide as a man of generosity, conviviality and good will; 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 commends James Alan Guthrie for his outstanding accomplishments and congratulates him upon the success of his undertakings; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to transmit suitably prepared copies of this resolution to James Alan Guthrie and to the above-mentioned members of his family.

CHAPTER 53

Assembly Concurrent Resolution No. 46—Relative to congratulating the City of Modesto on being named an "All American City."

[Filed with Secretary of State, January 21, 1955]

WHEREAS, California's City of Modesto has been signally honored by being chosen by the National Municipal League and Look magazine as an "All American City"; and

WHEREAS, This award is given each year to honor communities improved by the activities of their citizens; and

WHEREAS, One of only 10 cities so honored for the year 1954, Modesto won the award for solving, by annexations

which greatly increased the city's population, a postwar problem of booming suburbs; and

WHEREAS, Other factors contributing to Modesto's victory were the city's class 2 fire rating, the best for a community of its size in the county; citizen support of a bond issue to construct needed new schools and solve the sewage disposal problem; and completion of the L. J. Maddux Youth Center by donated labor and materials; and

WHEREAS, Particular recognition should be given to the Forward Modesto Committee, the most recent citizens group, and to the A Greater Modesto Committee of 21 and its successor the Citizens Committee of 1000 for their efforts in behalf of Modesto; and

WHEREAS, The people of the City of Modesto can be justly proud of the honor which has been bestowed upon their great city for they have, by their accomplishments, well earned it. Other California cities would do well to emulate the stirring example which the City of Modesto has set; 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 extend to the City of Modesto its heartiest congratulations on being named an "All American City"; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to Mayor Harry Marks and the City Council of the City of Modesto and to the Forward Modesto Committee.

CHAPTER 54

Senate Concurrent Resolution No. 36—Relative to the memory of Ida R. Koverman.

[Filed with Secretary of State, January 21, 1955]

WHEREAS, The sudden passing on November 24, 1954, of Ida R. Koverman, known affectionately as "Ida" to her great host of friends constituted a serious loss to the people of the State of California in general and in particular to all persons connection with or interested in the motion picture industry, and

WHEREAS, In addition to her distinguished career in connection with her major interest—the entertainment world—Ida R. Koverman was keenly interested in public affairs, was a consultant and advisor to Governors of the State of California and to two Presidents of the United States, was noted for her familiarity with the functions of government and her constructive efforts in this field, and

WHEREAS, Ida R. Koverman was for many years secretary to L. B. Mayer of Metro-Goldwyn-Mayer Pictures Corporation, an active participant in numerous social, industrial, civic and

philanthropic organizations of state-wide and national importance, and one who was recognized generally as a person of unusual taste and discrimination in all matters pertaining to the stage; and

WHEREAS, Ida Koverman was the individual to whom members of the Legislature referred for information and suggestions in relation to legislation affecting not only the stage and screen but numerous other fields of endeavor with which she was intimately conversant; and

WHEREAS, The Legislature has particular reason to be grateful to Ida Koverman for her kindness in arranging for the entertainment of Members of the Legislature by the most prominent and successful entertainers thus, on many occasions, relieving the tension and strife of legislative life; and

WHEREAS, Ida Koverman, by her understanding, her high order of intelligence and unusual aptitude in character analysis together with her wisdom and kindly disposition caused her to be regarded as a mother to numerous active participants in the world of stage and screen to the extent that George Murphy of Metro-Goldwyn-Mayer in delivering a most eloquent eulogy to her memory, felt disposed to say:

"Ida ruled her big family with all a mother's pride, indulgent but stern; disciplining but always forgiving and, loving as she was, Ida's motherly creed did not believe in spoiling the child by sparing the rod. We knew when she sent for us that a time of honest reckoning had come. Maybe we had been putting on airs—acting too much off-screen—reading and believing our own notices, losing our common touch with our fellow man. It was then that Ida, from her great experience and knowledge, would pick us out of the rarefied atmosphere and place us back with our feet planted firmly on the ground, helping and watching and guiding us with a great understanding springing from the unselfish love of her people"; and

WHEREAS, The Members of the California Legislature feel that her demise should be marked by more than passing interest in that her career and her fine human characteristics should be called to the attention of the young people in the State in order that they might be inspired to emulate her fine example; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature deplores the passing of this fine, warm-hearted example of womanhood and desires by this resolution to pay tribute to her memory, and be it further

Resolved, That when the Legislature shall adjourn on this, the twentieth day of January, 1955, it shall do so in honor of the memory of the late Ida R Koverman, and be it further

Resolved, That the Secretary of the Senate be, and he is hereby directed to have suitably prepared copies of this resolution forwarded to the Metro-Goldwyn-Mayer Pictures Corporation, and to bereaved survivors of the late Ida R. Koverman.

CHAPTER 55

Senate Concurrent Resolution No. 11—Relative to cooperation between the legislative and executive branches of State Government on pending legislation.

[Filed with Secretary of State, January 21, 1955]

WHEREAS, The legitimate interests of state agencies in measures pending before the Legislature can best be served if the views of such agencies are presented with due regard to the legislative process; and

WHEREAS, The policy established by the adoption of Senate Concurrent Resolution No. 66 of the 1953 Regular Session, to the effect that the views of state agencies concerning pending measures should be discussed with the authors of such measures prior to the time such measures are heard by legislative committees, has proven beneficial to the executive, as well as the legislative, branch of government and should be readopted and strengthened at this session; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the representatives of all state departments and agencies be, and they hereby are, requested that before they oppose a bill in committee they discuss the reasons for their opposition with the author of the bill before the time set for hearing; and be it further

Resolved, That the head of each state department or agency is hereby requested to furnish each of his representatives written authorization to act as such, said authorization to specify the scope of the authority, and to instruct such representative to file such written authorization with the chairman of the committees before whom an appearance is to be made; and be it further

Resolved, That the Secretary of the Senate be, and he is hereby, directed to prepare and deliver copies of this resolution to the heads of each state department and agency.

CHAPTER 56

Assembly Joint Resolution No. 7—Relative to the Caryl Chessman case and writs of habeas corpus.

[Filed with Secretary of State, January 22, 1955.]

WHEREAS, On or about January 11, 1955, the Chief Judge of the United States Circuit Court of Appeals for the Ninth Circuit stayed execution of a judgment imposing the death penalty on Caryl Chessman, convicted sex terrorist and kidnapper; and

WHEREAS, This infamous criminal has been convicted of 17 felonies as a result of jury verdicts and the criminal record

upon which the conviction of this depraved person is based is so shocking that it is hereby briefly summarized:

January 3, 1948: (1) first degree robbery.

January 13, 1948: (2) grand theft of an automobile which was used in perpetrating subsequent crimes and in which Chessman was fleeing when he was apprehended.

January 18, 1948: (3) first degree robbery.

January 18, 1948: (4) first degree robbery.

January 19, 1948: (5) first degree robbery. (6) First degree robbery. (7) Kidnapping of a female person for the purpose of robbery with infliction of bodily harm; punishment fixed at death. (8) Violation of California Penal Code Section 288a, relating to a crime of sex perversion, committed against a female person ((7) above).

January 20, 1948: (9) first degree robbery.

January 22, 1948: (10) attempted robbery. (11) Kidnapping a female person for the purpose of robbery with infliction of bodily harm; punishment fixed at death. (12) Attempted rape of a female person ((11) above). (13) Violation of California Penal Code Section 288a, relating to a crime of sex perversion, committed against a female person ((11) above).

January 23, 1948: (14) first degree robbery. (15) First degree robbery. (16) Kidnapping a male person for the purpose of robbery, with infliction of bodily harm; punishment fixed at life imprisonment without possibility of parole. (17) Kidnapping a male person for the purpose of robbery.

Each of the above paragraphs represents a separate general criminal enterprise, in each of which one or more offenses were committed. The jury further found that Chessman was armed at the time of the commission of each of the crimes except that of grand theft, numbered (2) above; that he was armed at the time of arrest; and that he had been twice convicted previously; once for robbery, and once for assault with a deadly weapon; and

WHEREAS, One of the female victims of this brutal and fiendish sex pervert suffered a mental breakdown which permanently deprived her of soundness of mind, requiring her confinement in an asylum where she remains to this day; and

WHEREAS, The Supreme Court of the State of California affirmed the decision of the trial court, upholding the judgment of conviction of the 17 felonies; and

WHEREAS, Our Anglo-American legal history apprises us of our righteous sensitivity to the fact that, in the course of ordinary legal procedures, men may occasionally be convicted of a crime through no fault of their own. Nevertheless, cases of the Chessman type forcibly remind us of the inadequacy of the post-conviction procedures which have been erected to guard against the contingencies of improper conviction when such procedures have the effect not of releasing the convict but of clogging the courts with the fraudulent and unfounded claims of the guilty; and

WHEREAS, The Supreme Court of the United States has come to realize the gravity of this situation by remarking in the case of Wade v. Mayo, 334 U. S. 672 (1948), note 51, 681-682:

"Statistics compiled by the Administrative Office of the United States Courts show that during the fiscal years of 1943, 1944 and 1945 there was an average of 451 habeas corpus petitions filed each year in federal district courts by prisoners serving state court sentence; of these petitions, an average of but 6 per year resulted in a reversal of the conviction and a release of the prisoner. The releases thus constituted only 1.3% of the total petitions filed."; and

WHEREAS, The Supreme Court of the United States as recently as the year 1952 has again recognized this situation in a note to its decision in United States v. Hayman, 342 U. S. 205, at pages 212-213 that:

"In several districts, up to 40 percent of all applications for habeas corpus filed during the years 1943, 1944 and 1945 were so-called repeater petitions."; and

WHEREAS, Chessman has compiled an astonishing record in his relentless and seemingly unending pursuit of post-conviction remedies. Chessman has been turned down by the California Supreme Court on his appeal from the trial court and has been refused three applications for a writ of habeas corpus in the same court; he has been rejected by the United States Supreme Court in five applications for a writ of certiorari, or review; he has been denied five times by the United States District Court on applications for a writ of habeas corpus; he has been turned down previously by the United States Court of Appeals for the Ninth Circuit on an appeal from the district court; and

WHEREAS, Chessman has been refused executive clemency upon several occasions both by Governor Goodwin Knight and by former Governor Earl Warren, now Chief Justice of the United States Supreme Court; and

WHEREAS, The prostitution of our legal procedures by this depraved sex terrorist brings sharply into focus this aberration in the law of post-conviction procedures; and

WHEREAS, The National Conference of Commissioners on Uniform State Laws has prepared and urges the adoption of a uniform post-conviction procedure act designed to remedy the defects in state court procedures; and

WHEREAS, The federal law with respect to the writ of habeas corpus should be made the subject of a Congressional study for the purpose of devising more adequate safeguards for society as well as the wronged individual by amendment of the appropriate federal laws now permitting a convicted person serving a term in a state prison to repeatedly clog the calendars of the federal courts with petitions for writs of habeas corpus; 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 undertake an investigation and study of the federal laws relating to the repeated use of the writ of habeas corpus by convicted persons serving terms in state prisons with a view to providing a limited right in the federal courts to entertain such writs consonant with the due process of law requirements of our Federal Constitution; 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 57

Assembly Joint Resolution No. 11—Relative to the Sacramento River Ship Channel.

[Filed with Secretary of State, January 22, 1955.]

WHEREAS, The Sacramento River Ship Channel project was authorized by Congress in 1946 in Public Law 525, Seventy-ninth Congress, Second Session, and construction started in 1949 with the completion date scheduled for July, 1953; and

WHEREAS, The California State Legislature by Chapter 1152, 1947 Statutes, approved and adopted the project for navigation and flood control on the Sacramento River in cooperation with the Federal Government in accordance with Senate Document 142, Seventy-ninth Congress, Second Session; declared the state interest therein; provided certain powers and duties of the Sacramento-Yolo Port District and the Department of Finance in connection therewith; provided for the acquisition of certain property rights therefor; and made an appropriation; and

WHEREAS, The State of California has a total investment of approximately one million dollars ($1,000,000) in the project at the present time, including as a phase of the West Sacramento Freeway the Harbor Boulevard overpass to the port terminal area; and

WHEREAS, The Sacramento-Yolo Port District voted three million seven hundred fifty thousand dollars ($3,750,000) in bonds for local participation, and has sold one million seven hundred fifty thousand dollars ($1,750,000), and is presently burdened with amortization of those bonds; and

WHEREAS, The port district has constructed a grain elevator, belt railroad, and highways, with the grain elevator leased to private grain merchants who are depending upon completion of the deep water channel for successful operation of the grain elevator; and

WHEREAS, Private local businessmen and farmers, depending upon early completion of the project, have invested two million five hundred thousand dollars ($2,500,000) in private warehouses, elevators, and other works adjacent to the port area; and

WHEREAS, The Federal Government required the Sacramento-Yolo Port District to give assurance that local interests would meet requirements in the act of authorization, and the port district has met each and every one of those requirements; and

WHEREAS, Construction was stopped at the outbreak of the Korean War, after completion of four miles of channel north of Rio Vista at a cost of two million five hundred forty-eight thousand dollars ($2,548,000) to the Federal Government; and

WHEREAS, The deep water channel when completed will serve more than 20 counties in the northeastern part of California north and east of Sacramento; 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, and the Corps of Engineers of the United States Army, to take such steps as may be necessary to resume construction on this project immediately, and to make an appropriation sufficient to defray the cost of such work as can be accomplished by the Corps of Engineers during the 1955-56 Fiscal Year; and be it further

Resolved, That copies of this resolution be transmitted to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the House and Senate Appropriation Committees for Civil Functions, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Army.

CHAPTER 58

Assembly Joint Resolution No. 12—Relative to the Forest Service.

[Filed with Secretary of State, January 22, 1955]

WHEREAS, The Forest Service in the Department of Agriculture was created by Congress on March 3, 1905; and

WHEREAS, The Forest Service is charged with the responsibility of promoting the conservation for best use of the Nation's forest lands, which comprise approximately one-third of the total land area of the United States; and

WHEREAS, The service administers approximately 150 national forests, extending over 180,000,000 acres in 40 states and Alaska and Puerto Rico, and improves them, protects them from fire, insects and disease, and manages their resources for orderly and continuous service and for the main-

tenance of stable economic conditions in the national forest communities; and

WHEREAS, The service applies technical methods of forestry to the growing and harvesting of timber; scientifically regulates the grazing of livestock to obtain range conservation along with the use of the annual growth of forage; manages watersheds for the regulation of streamflow, reduction of flood danger of soil erosion, and the protection of water resources for power, irrigation, navigation, and municipal and domestic supply; provides for recreation; and proceeds scientifically in the development and maintenance of wildlife resources; and

WHEREAS, The states and private owners of forest lands receive the cooperation of the Forest Service in the application of sound management practices, in the maintenance of organized protection of forest lands against fire, and in the distribution of plans to farmers for windbreaks, shelter belts and farm woodlands; and the service cooperates with the states in stimulating the development, proper administration and management of state forests; and

WHEREAS, In carrying on its activities the Forest Service has fully justified the fondest hopes and expectations of its founders; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the State of California hereby congratulates the Forest Service on this, the fiftieth, year of its existence, and expresses its recognition and appreciation of the splendid work that has been and is being done by it in the attainment of its objectives; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, each Senator and Representative in Congress from the State of California, the Department of Agriculture, and the Forest Service.

CHAPTER 59

Assembly Concurrent Resolution No. 30—Relative to congratulating Judge Sherrill Halbert on his appointment to the United States District Court for the Northern District of California.

[Filed with Secretary of State, January 22, 1955.]

WHEREAS, Sherrill Halbert was born on October 17, 1901, at Terra Bella, California, and passed his formative years in the great County of Tulare of this State; and

WHEREAS, He received his higher education at the University of California, which awarded him a degree of bachelor of laws in 1924, and at the University of California School of Jurisprudence, which honored him with the degree of doctor of jurisprudence in 1927; and

WHEREAS, He commenced a long and distinguished career of public service in 1927 as Deputy District Attorney of Tulare County and, subsequently, by rapid and uninterrupted promotions throughout the State and county, served as Deputy Attorney General in 1942; Special Deputy Attorney General in 1943-1944; Chief Deputy District Attorney of Stanislaus County 1944-1949; District Attorney of Stanislaus County in 1949; and was appointed by Governor Earl Warren as Judge of the Superior Court of Stanislaus County in 1949; and his universally acknowledged wisdom and ability were acclaimed by his neighbors of Stanislaus County in his retention as judge of their superior court in 1950; and

WHEREAS, Judge Halbert has demonstrated by his affiliations with innumerable fraternal, cultural, and service organizations, that beyond his professional competence he possesses a warm congeniality and social awareness widely respected by his many friends and contemporaries; and

WHEREAS, In 1954, this illustrious career was appropriately culminated in Judge Halbert's appointment by President Eisenhower and the United States Senate to the bench of the United States District Court for the Northern District 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 extend their congratulations to Judge Sherrill Halbert on his appointment, and give him their best wishes for his continued success; and be it further

Resolved, That the Chief Clerk of the Assembly prepare a suitably engrossed copy of this resolution for presentation to Judge Sherrill Halbert.

CHAPTER 60

Assembly Concurrent Resolution No. 32—Relative to commending Miss Maureen Connolly.

[Filed with Secretary of State, January 22, 1955.]

WHEREAS, On July 3, 1954, upon the center court at Wimbledon, England, Miss Maureen Connolly of San Diego, California, for the third successive year, by her stellar play, won the Wimbledon Women's Tennis Singles Championship; and

WHEREAS, Her richly deserved triumph brought America the women's singles title for the eleventh straight tournament; and

WHEREAS, Miss Connolly has by her graciousness and charm, as well as by her outstanding ability as an athlete, gained great glory not only for herself but also for her Nation and her State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legis-

lature do hereby congratulate Miss Connolly for her well-earned victory and extend to her the best wishes of the Members of the Assembly and Senate of the State of California, for future success; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to prepare and to transmit a suitable copy of this resolution to Miss Maureen Connolly.

CHAPTER 61

Assembly Concurrent Resolution No. 35—Relative to commending Rotary International upon the occasion of the celebration of its golden anniversary.

[Filed with Secretary of State, January 22, 1955.]

WHEREAS, The year 1955 marks the fiftieth anniversary of Rotary International; and

WHEREAS, The objectives of this fine organization of an estimated 8,382 Rotary Clubs with 393,000 members is to encourage and foster, among other things, high ethical standards in business and professions; the recognition of the worthiness of all useful occupations; the dignifying by each member of his occupation as an opportunity to serve society; the application of the ideal of service by every member to his personal, business, and community life; and the advancement of international understanding, good will, and peace through a world fellowship of business and professional men united in the ideal of service; and

WHEREAS, The ideals of Rotary have developed in practice and the culmination of their work has brought to their members as well as to our Country the benefit of improved international relationships at the governmental as well as the nongovernmental level; and

WHEREAS, Exemplifying but not the least of their worthy enterprises is the promotion of international understanding through "Rotary Fellowship," established in 1947. As a result of this program, more than 601 fellowships have been awarded to outstanding college graduates, ages 20 to 29, from 57 countries, for one year of study abroad as Rotary ambassadors of good will. These fellowship grants average $2,500 and total grants amount to more than $1,500,000; and

WHEREAS, The fruits of this enterprise devolve upon all of our citizens through this most effective form of presentation of the American way of life to the peoples of other countries, thereby counteracting the misrepresentations of the Soviet propagandists; and

WHEREAS, The high aims and worthy purposes of Rotary deserve the fullest commendation and approbation of this body assembled; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this body extend to Rotary International upon the occasion of the celebration of its golden anniversary its commendation for its fine record of achievement in encouraging and fostering the many enterprises in pursuance of its very worthy objectives and to wish the organization continued success in future years; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to Herbert J. Taylor, President of Rotary International, and to Bud Krantz, President of the East Los Angeles Rotary Club.

CHAPTER 62

Assembly Concurrent Resolution No. 51—Relative to the untimely passing of the Honorable Daniel N. Stevens.

[Filed with Secretary of State, January 22, 1955.]

WHEREAS, It is with profound regret that we do hereby mark the passing, on the sixteenth day of January, at the age of 39, of one of the most brilliant and respected members of the judicial system of the State of California, the Honorable Daniel N. Stevens, Judge of the Appellate Department of the Superior Court in and for the County of Los Angeles; and

WHEREAS, Dan Stevens, as he was known by all, was a man of the highest personal integrity. He was a gifted man. In his all too few 39 years he compiled one of the most outstanding records of achievement to be found in the annals of the legal profession of this State; and

WHEREAS, A graduate of the University of Southern California Law School, prior to his appointment in 1947, by Governor Warren, to the Los Angeles Municipal Court to become the youngest jurist of a court of record in the State, he had served as secretary to State Supreme Court Justice Douglas Edmonds and as a Deputy Attorney General; and

WHEREAS, The exceptional caliber of his work on the municipal court bench led to his appointment in 1950, also by Governor Warren, to the Superior Court in and for the County of Los Angeles. In 1953 he was appointed to the appellate department of that court; and

WHEREAS, Apart from his judicial record, Dan Stevens, the man, was even more remarkable. A leader in the church, he freely and willingly gave of his time and talents working for others. Of particular note was his work with youth groups. He set for them a shining example of what they, if they but tried, could at least in part accomplish; and

WHEREAS, President of the University of Southern California Law Alumni Association, second president of the Los Angeles chapter of Civitan International, he was also an

active and loyal member of the Elks Lodge 99, and of Phi Alpha Delta Legal Fraternity; and

WHEREAS, He leaves behind to mourn his passing, a widow, Mary Lou; three children, Gary, Gayle, and Geoffry; his parents, Mr. and Mrs. George Stevens of Glendale; a brother, Dr. Arnold Stevens of Beverly Hills, and a sister, Mrs. George Douglas of Escondido; 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 do hereby convey their most sincere sympathy to the widow and family of the Honorable Daniel N. Stevens; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to prepare and transmit suitable copies of this resolution to the bereaved widow and family of the Honorable Daniel N. Stevens.

CHAPTER 63

Senate Joint Resolution No. 2—Relative to repair of Morro Bay Breakwater.

[Filed with Secretary of State, January 22, 1955.]

WHEREAS, The Morro Bay Breakwater which forms the harbor at Morro Bay, County of San Luis Obispo, has been in serious need of repairs for a period of two years; a breach in the breakwater which confines the present channel will allow the channel to become hopelessly choked and useless if allowed to become more extensive; and

WHEREAS, Unless the breakwater is maintained in a proper condition, the harbor will soon become inadequate as a haven for widespread commercial fishing activities, various types of ships and small craft, and United States Coast Guard Stations; and

WHEREAS, Extensive and serious property damage has occurred because of the inability of the breakwater in its present condition to protect the harbor of Morro Bay, and recent storms have considerably weakened the breakwater itself so that property damage is mounting in severity each day; and as the severity of the damage mounts the eventual cost of repair continues to increase in direct ratio, thus requiring the expenditure of a great deal more money for belated repairs than would be required if the already serious damage were corrected; and

WHEREAS, The serious condition of the channel has already reached a state of clogging which will soon require the removal of the United States Coast Guard Station to another base much less suitable to its operations; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California earnestly requests the United States Army Corps of Engineers

to take immediate steps to make such repairs to the breakwater at Morro Bay as may be necessary to adequately protect the harbor of Morro Bay and to protect federal, county, and private property at Morro Bay; 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 each Senator and Representative from California in the Congress of the United States, and to the Chief Engineer of the United States Army.

CHAPTER 64

Senate Joint Resolution No. 3—Relative to memorializing the Secretary of the Interior of the United States and other officials and agencies authorized to act in the matter in relation to the regulation of fishing in Yosemite National Park.

[Filed with Secretary of State, January 22, 1955.]

WHEREAS, The orderly regulation and preservation of the fish in the waters of Yosemite National Park are of great concern not only to the people of the State of California but to all citizens of the United States who visit this wonderful recreation land; and

WHEREAS, Unnecessary confusion and hardship is presently brought about by the variance between the fishing regulations governing the Yosemite National Park area and the surrounding territory; and

WHEREAS, Law enforcement agencies find it most difficult to properly protect and preserve this recreational activity so long as one section of streams lying within the boundaries of Yosemite Park may be fished at times differing from those during which the same streams may be fished outside of the park boundaries; and

WHEREAS, The territory of the counties surrounding the Yosemite National Park is all governed by the same opening and closing dates for fishing; 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 Interior of the United States and all other officials and agencies possessing authority to act in establishing the fishing season in Yosemite National Park to establish such season to correspond with the opening and closing dates of the fishing season in the territory of the surrounding counties; 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, to each Senator and Representative from California in the Congress of the United States and to the Secretary of the Interior of the United States.

CHAPTER 65

Senate Joint Resolution No. 5—Relative to memorializing the President and Congress of the United States and the Secretary of the Interior to take appropriate action to permit prospecting and mining in the Joshua Tree National Monument.

[Filed with Secretary of State, January 22, 1955.]

WHEREAS, Hundreds of square miles of the area of California's Riverside and San Bernardino Counties are located within the Joshua Tree National Monument in a region which abounds in valuable strategic materials vital to national defense; and

WHEREAS, The Federal Government, at the present time, prohibits prospecting and mining in this vast area, thereby denying many citizens an opportunity to engage in profitable labor and depriving our national defense industries of this source of scarce raw materials; and

WHEREAS, Prospecting and mining could be carried on without causing damage to the scenic desert growth for which this great primitive area is deservedly famed; now, therefore be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States and the Secretary of Interior to take appropriate action to permit, with proper provision to prevent damage to the scenic desert growth, prospecting and mining within the Joshua Tree National Monument, and be it further

Resolved, That the Secretary of the Senate be hereby directed to prepare and transmit suitable 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 Secretary of the Interior.

CHAPTER 66

Senate Joint Resolution No. 6—Relative to memorializing the Congress of the United States to take appropriate action to cause the issuance of a postage stamp honoring the California redwoods as "the world's oldest living things."

[Filed with Secretary of State, January 22, 1955.]

WHEREAS, Their living crowns borne on high by massive spar-like trunks, the California redwoods, from time immemorial have stood, as symbols of the power of God; and

WHEREAS, Even when Christ walked forth among mere mortal man their lofty branches were arched against the blue; and

WHEREAS, During the vast span of their existence haughty empires have risen to rule the known earth then vanished virtually without trace, yet still the redwoods live on; and

WHEREAS, The glory of their story could be known to all the world if a properly inscribed stamp were issued in their honor; 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 take appropriate action to cause the issuance of a postage stamp honoring the California redwoods as "the world's oldest living things"; and be it further

Resolved, That the Secretary of the Senate be, and hereby is, directed to prepare and transmit suitable 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 Postmaster General.

CHAPTER 67

Senate Concurrent Resolution No. 29—Relative to the passing of Colonel Nelson M. Holderman.

[Filed with Secretary of State, January 22, 1955.]

WHEREAS, It was with deep sorrow that the Members of this Legislature learned of the passing of Colonel Nelson M. Holderman, C. M. H., Commandant of the State Veterans' Home of California, on September 3, 1953; and

WHEREAS, A distinguished soldier, Colonel Holderman served in command of the right flank of the valiant "Lost Battalion"; and

WHEREAS, Colonel Holderman was awarded the Congressional Medal of Honor for distinguished gallantry and intrepidity above and beyond the call of duty in action with the enemy, northeast of Binarville, in the Forest d'Argonne, France, October 2-8, 1918; and

WHEREAS, Upon receiving the Congressional Medal of Honor, Colonel Holderman also received the following citation:

"While in command of Company K, 307th Infantry, which company held the right flank of the force consisting of six companies of the 308th Infantry, two platoons of the 306th Machine Gun Battalion and Company K, 307th Infantry, and which force was cut off and surrounded by the enemy for five days and nights in the Forest d'Argonne, France, from October 2 to October 7, 1918, Captain Nelson M. Holderman though wounded early in the siege and suffering great pain

continued throughout the entire period leading and encouraging the officers and men under his command, with unflinching courage and with distinguished success. He was wounded on the fourth of October but remained in action during all attacks made by the enemy upon the position, personally leading his men, himself remaining exposed to fire of every character. He was again wounded on the fifth of October, but continued personally organizing and directing the defense of the right flank against enemy attacks. During the entire period he personally supervised the care of the wounded, exposing himself to shell and machine gun fire that he might help and encourage his men to hold the position. On October 6th, though in a wounded condition, he rushed through shell and machine gun fire and carried two wounded men to a place of safety. This officer, though wounded, continued to direct the defense of the right flank and on the seventh of October was again wounded but continued in action. On the afternoon of October 7th this officer and one man, with pistols and hand grenades alone and singlehanded, met and dispersed a body of enemy, killing and wounding most of the party, when they attempted to close in on the right flank while their forces were at the same time making a frontal attack, thus saving two machine guns from capture as well as preventing the envelopment of the right flank. Again on the evening of the seventh of October and during the last attack made by the enemy upon the position, a liquid fire attack was directed on the right flank; though in a wounded and serious condition Captain Holderman remained on his feet, keeping the firing line organized and preventing the envelopment of the right flank. He refused to let this interfere with his duty until relief was effected. The successful defense of the position was largely due to his courage. He personally led his men out of the position after assistance arrived and before permitting himself to be attended. The courageous optimism and inspiring bravery of this officer encouraged his men to a successful resistance in spite of five days' fighting, hunger and exposure.''; and

WHEREAS, In addition to the Congressional Medal of Honor, Colonel Holderman was awarded the Silver Star Medal, the Purple Heart Medal with two oak leaf clusters, the French Legion of Honor, the French Croix de Guerre, Belgium Order of Leopold, Belgium Order of the Crown, Italian Croix de Guerre and Montenegran Medal; and

WHEREAS, A devoted public servant as well as a courageous soldier, Colonel Holderman dedicated the best years of his life to the development of the Veterans' Home of California. He served as commandant of the home continuously from March 19, 1926, until his death and also served in that position for a short period after World War I; and

WHEREAS, As commandant of the home, he instigated his renowned building program which through the years has seen the replacement of antiquated wooden frame fire hazards with

modern fireproof structures. The policy he formulated has resulted in the present high standards of veterans' homes; and

WHEREAS, In recognition of his great contributions to the home, at the suggestion of the Legislature the California Department of Veterans Affairs has designated the hospital building at the Veterans' Home of California as the "Nelson M. Holderman Memorial Hospital"; and

WHEREAS, Colonel Holderman's greatness did not lie in his personal attainments, but rather in his approach to human welfare. Of a markedly magnanimous character, he was outstanding in his kindness, with a helping hand for all. Summed up simply he was a great humanitarian; and

WHEREAS, In losing Colonel Holderman, our State has lost a great citizen, a great patriot, a distinguished soldier and a devoted public servant; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of this Legislature hereby express their grief at the passing of Colonel Nelson M. Holderman, and extend to his family and friends their most sincere sympathies; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to Mrs. Marguerite A. Holderman, widow of Colonel Nelson M. Holderman, to Charles N. Holderman and Commander Armind T. Holderman, United States Navy, his sons, and to Dorothy A. Holderman and Myra Leona Whitney, his daughters.

CHAPTER 68

Senate Concurrent Resolution No. 31—Relative to the Rehabilitation of the natural Arrowhead Landmark situated in San Bernardino County.

[Filed with Secretary of State, January 22, 1955]

WHEREAS, The Arrowhead Landmark situated in San Bernardino County is a natural phenomenon caused by the nature of the soil and vegetation; and

WHEREAS, This landmark was recognized by the Indians before the advent of the white man; and

WHEREAS, It has been considered as an important landmark ever since the days of the early pioneers; and

WHEREAS, Several political entities, public agencies and many business firms use it as their trade mark or official insignia; and

WHEREAS, This important and widely recognized natural landmark is being rapidly destroyed by accelerated erosion resulting from loss of vegetative cover caused by severe forest fires in 1938 and 1953; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

The Division of Forestry is authorized to use its prison honor camp inmates and facilities in checking and controlling the erosion, and in revegetating the Arrowhead, provided the necessary rights of way and easements as well as essential funds for the procurement of necessary materials and supplies to accomplish said control are provided by other than the State.

Resolved, That the Secretary of the Senate be, and he is hereby, directed to prepare and deliver copies of this resolution to the Director, Department of Natural Resources and the State Forester.

CHAPTER 69

Senate Concurrent Resolution No. 37—Relative to the passing of the Honorable Fred Weybret.

[Filed with Secretary of State, March 1, 1955]

WHEREAS, On January 31, 1955, while the Legislature of the State of California was at recess, the Honorable Fred Weybret passed from this life; and

WHEREAS, The Honorable Fred Weybret was a native of Michigan who came to California in 1907, living for a time in San Francisco and later, in 1908, engaging in the printing business at Monterey, extending his printing business to Salinas in 1913 and becoming owner and publisher of the Salinas "Index" and Salinas "Journal," which were combined in 1928; and

WHEREAS, The Honorable Fred Weybret was elected to the Assembly in 1939, serving successfully therein until 1944 when he was elected to the Senate, to which body he was re-elected in 1948 and 1952; and

WHEREAS, The Honorable Fred Weybret, in addition to his success as a printer, a publisher and a statesman, was noted as a man of kindly and generous impulses, and one whose life was dedicated to promoting the welfare of his fellow man, which characteristic was in part evidenced by his service as Exalted Ruler of the Salinas Elks Lodge, President of the Rotary Club and membership in the Shrine; and

WHEREAS, The Honorable Fred Weybret was highly esteemed and respected for his concern for the feeble, the poverty-stricken and the unfortunate, and his able and courageous efforts to defend elderly, gullible and inept people from the machination of predatory individuals who constantly seek to rob such unfortunates of their meager funds; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State of California has suffered a severe loss in the passing of this fine, upright states-

man, and that the Legislature desires by this resolution to pay tribute to his good work and sterling character; and be it further

Resolved, That adjournment of the session of this, the twenty-eighth day of February, 1955, be in honor of his memory; and be it further

Resolved, That the Secretary of the Senate be directed to present suitably prepared copies of this resolution to Mrs. Fred Weybret, widow, and Frederick Weybret, son, and other bereaved members of the family of the Honorable Fred Weybret.

CHAPTER 70

Senate Concurrent Resolution No. 39—Relative to the passing of the Honorable Bert B. Snyder.

[Filed with Secretary of State, March 3, 1955]

WHEREAS, On February 22nd, the Honorable Bert B. Snyder, beloved civic leader, came to the end of his life in Santa Cruz, the city of his birth; and

WHEREAS, The Honorable Bert B. Snyder attended school at Santa Cruz, later going to San Francisco to study law at Hastings College, and supplementing his studies in California with a post graduate course at Yale University; and

WHEREAS, The Honorable Bert B. Snyder demonstrated his love of his Country by volunteering for service in World War I; and

WHEREAS, The Honorable Bert B. Snyder started practicing law in Butte County from whence he was elected to represent the Seventh Assembly District in the 1923 Session of the Legislature, returning to Santa Cruz where he was elected in 1926 to represent the Forty-third Assembly District, and in 1928 and 1930 he was elected from the Forty-second Assembly District, and was elected to the Senate in 1932 where he served from 1932 to 1936; and

WHEREAS, After his retirement from the Legislature, the Honorable Bert B. Snyder, in addition to practicing law, rendered outstanding and distinguished service to his community, having occupied the position of President of the Santa Cruz Chamber of Commerce, Chairman of its Highway Committee for several years, member of the Board of Education, President of the Kiwanis Club and of the Executives Club, Master of his Masonic Lodge, and a member of the Elks, the Odd Fellows and the Congregational Church, and was an active supporter of the Boy Scout program and a hard worker in all causes which appeared to him worthy of his support; and

WHEREAS, During his service in the California Legislature, the Honorable Bert B. Snyder became known to his fellow legislators as a hard worker, clear thinker and a courageous crusader for the right; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature desires by this resolution to give official recognition to the high character and distinguished service rendered by the Honorable Bert B. Snyder, and to convey to the bereaved members of his family the most sincere sympathy of the Members of the Legislature; and be it further

Resolved, That when the Legislature shall adjourn from its pursuits on this, the first day of March, 1955, it shall do so in honor of the memory of the Honorable Bert B. Snyder; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to forward suitably prepared copies of this resolution to Mrs Bert B. Snyder, widow, Bert B. Snyder, Jr., son, and Mrs. Barbara Tatum, daughter, and other bereaved members of the family of the Honorable Bert B. Snyder.

CHAPTER 71

Senate Concurrent Resolution No. 38—Relative to Joseph L. Knowles.

[Filed with Secretary of State, March 3, 1955.]

WHEREAS, Our adviser and counselor, Joseph L. Knowles, has passed from mortal life, leaving a void in the office of the Legislative Counsel in which he so capably served and in the hearts of all of us who knew him so well; and

WHEREAS, Joe was born in the City of Sacramento on December 21, 1892, and was educated in the schools of that city, graduating from high school in 1911, and continuing his education at the University of California, from which he received his bachelors degree in 1915 and the degree of Juris Doctor in 1917, having served in his senior year of law school as a member of the Board of Editors of the California Law Review; and

WHEREAS, While in Europe as a soldier in the American Expeditionary Force he had the good fortune at the termination of the World War I to attend upon the Inns of Court in London; and

WHEREAS, Returning to Sacramento, Joe was associated in the practice of law for nine years with the firm of Downey, Brand and Seymour, and then served for 11 years as Assistant City Attorney and City Prosecuting Attorney for the City of Sacramento before commencing his service with the Legislative Counsel in 1940; and

WHEREAS, In that office Joe drafted the Education Code of California and a large part of the Government Code of California, and became an authority in the fields of municipal and county government and schools, rising to the position of Principal Deputy Legislative Counsel, in which position

he served with distinction until illness forced him to retire to the less strenuous but nonetheless exacting work of advising and counseling in his special fields; and

WHEREAS, Joe derived great pleasure from his family, having married Claire M. Greenwald, and they having been blessed with two children, the oldest, John H. Knowles, now attending the University of California at Los Angeles where he is a sophomore, and Jo Ann Knowles, who is a senior at McClatchy High School; and

WHEREAS, Joe was an integral part of the life of the community in which he lived, being a Past Commander of Sacramento Post No 61 of the American Legion, a member of Union Lodge No. 58 of the Free and Accepted Order of Masons, and a member of Fort Sutter Parlor No. 248 of the Native Sons of the Golden West; and

WHEREAS, Each of the Members of the Legislature feels a personal loss in the passing of Joe Knowles, the loss of Joe himself and of the tremendous professional skill which was his gift; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of California here records its testimonial to the loyalty, hard work, ability, and sincerity of Joseph L. Knowles and records for all time his contribution to the State of California; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to his wife, Mrs. Claire M. Knowles.

CHAPTER 72

Assembly Concurrent Resolution No. 55—Relative to the illness of Assemblyman Don Hobbie.

[Filed with Secretary of State, March 4, 1955.]

WHEREAS, The Members of this Legislature have learned with regret of the illness of their friend and fellow Member of the Legislature, Don Hobbie; and

WHEREAS, Assemblyman Hobbie has conscientiously served the people of California as a Member of the Legislature since the commencement of his first term of office in 1953; and

WHEREAS, His services as chairman of the Transportation and Commerce Committee and member of the Agriculture, Education, and Conservation, Planning, and Public Works Committees in particular are missed; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature extend to Assemblyman Don Hobbie their sympathy and best wishes for a rapid recovery and return to his duties with the Assembly; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Mr. Hobbie.

CHAPTER 73

Assembly Concurrent Resolution No. 54—Relative to commemorating the three hundredth anniversary of Jewish settlement in the United States of America.

[Filed with Secretary of State, March 4, 1955.]

WHEREAS, The three hundredth anniversary of the Jewish settlement in the United States of America is being observed throughout the Country and, as part of this observance, the Jewish Community Council of Sacramento and Superior California is displaying a series of exhibits in the Rotunda of the State Capitol; and

WHEREAS, This tercentenary recalls the year 1654 when a ship bearing 23 men, women and children landed in New Amsterdam (now New York City), thus marking the first Jewish settlement in this Country; and

WHEREAS, Even before 1654, the history of the Jewish people is deeply rooted in the westward expansion of civilization and the early voyages of Columbus to which they contributed both directly and indirectly. Their scholars and scientists helped in the improvement of the compass and application of astronomy to navigation. They served as mariners, pilots and interpreters; and Spanish Jewry contributed substantially to the financing of Columbus on his voyage to the New World; and

WHEREAS, Concurrent with the first real settlement of Jewish people in New Amsterdam was founded also their oldest religious congregation on these shores, Shearith Israel (Remnant of Israel) Many other settlements followed: in Newport, Rhode Island; Philadelphia, Pennsylvania; Savannah, Georgia; and elsewhere. Later, they were to be widely dispersed and follow the American pattern; and

WHEREAS, The Jewish people became active in the civic, commercial, and social life of the colonies. To the growth of the Country they provided both workers and employers, patriots and public officers, enlisted men and financiers. The self-sacrificing Haym Salomon was one of many from their group who helped to finance the Continental Congress and Washington in the war for freedom; and

WHEREAS, From the middle of the nineteenth century to its close, the Jewish people, fleeing from religious persecution, came to America in large numbers and entered into the "privileges and responsibilities of citizenship." By the 1930's they were represented in every trade, occupation, and profession, including agriculture, both as workers and employers. Numerous documents bear testimony to the historical contributions by the Jewish people of America who, working side by side with their fellow citizens of other faiths and from many lands, have given to this Nation its conscience, its productivity, and its greatness; and

WHEREAS, In a rich tradition to be followed by our Presidents and great leaders, fitting tributes have been paid to our American citizens of Jewish faith in relationship to our dynamic Democracy. Such were the words of George Washington to the Hebrew Congregation in Newport, Rhode Island in 1790 when he wrote:

"The citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy, a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support.

"May the Father of all mercies scatter light and not darkness in our paths, and make us all in our several vocations useful here, and in his own due time and way everlastingly happy"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That we commend the Jewish Community Council of Sacramento and Superior California for the timely and well displayed exhibits and the work being done by similar groups throughout the State, and we join with peoples of all faiths in celebrating the American Jewish Tercentenary, marking the three hundredth anniversary of Jewish settlement in the United States of America.

CHAPTER 74

Senate Joint Resolution No. 12—Relative to enacting a statute authorizing an additional United States District Judge for the Southern District of California.

[Filed with Secretary of State, March 4, 1955]

WHEREAS, The Eighty-third Congress of the United States enacted a statute authorizing an additional United States District Judge for the Southern District of California; and

WHEREAS, The Judicial Council of the Southern District of California has not assigned said additional authorized United States District Judge to the Southern Division of the said district; and

WHEREAS, A special committee of the San Diego County Bar Association has conducted an investigation and rendered a report recommending the establishment of a separate district of the United States District Court for the Counties of San Diego and Imperial, to be known as the Southern District of California, with the permanent assignment of two resident United States District Judges to said district; and

WHEREAS, The Board of Directors of the San Diego County Bar Association has approved said report; and

WHEREAS, The Imperial County Bar Association has studied and approved said report and has otherwise investigated the matter; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the Congress of the United States to enact a statute establishing a separate district of the United States District Court for the Counties of San Diego and Imperial, to be known as the Southern District of California, and to authorize the permanent assignment of two resident United States District Judges, including the present resident United States District Judge to the said district; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President of the United States and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 75

Senate Concurrent Resolution No. 40—Relative to the passing of the Honorable Frank L. Gordon.

[Filed with Secretary of State, March 4, 1955.]

WHEREAS, Members of the California Legislature have learned with grief of the death on January 31, 1955, of the Honorable Frank L. Gordon; and

WHEREAS, The Honorable Frank L. Gordon was the son of William Gordon, Jr., and grandson of William Gordon, Sr., the first white settler in Yolo County, who was born in Ohio in 1800, journeyed west as a young man of 20 and became a trapper and a purchaser of hides and furs for the Hudson Bay Company, and followed the buffalo and the furs south, paralleling much of what is now the Santa Fe Railroad. In the years 1820 to 1850, this was known as the Santa Fe Trail. It originated across the river from where Kansas City now lies, and ended in Taos and Santa Fe, then Old Mexico and now New Mexico.

In 1830 William Gordon married a Spanish girl by the name of Lucerro in Taos. In 1840 he and his family left Taos and came west over the Santa Fe Trail which follows closely the present Santa Fe Railroad from Taos to California, and thence up the San Joaquin Valley until they reached Napa in the fall of 1840, where, through the Spanish branch of the family they secured a large grant of land and settled on Cache Creek in Yolo County. The son, William Gordon, Jr., became a resident of Napa County and there raised a family, one of whom was Senator Frank L. Gordon, who was born, raised and died in Gordon Valley, which was named after his

grandfather. Senator Gordon was survived by two sons, Leslie and Walter, his wife, Alice Antoinette Gordon, having preceded him in death by approximately one month; and

WHEREAS, The Honorable Frank L. Gordon following in the footsteps of his forbearers, devoted himself to farming, including horticulture, viticulture and stock raising, taking an active part in the formation of the Cattlemen's Association of which he was at one time a director, and being identified with the Farm Bureau and the Wool Grower's Association for many years; and

WHEREAS, The Honorable Frank L. Gordon was a man of great public spirit, served his county as a supervisor, was elected to the Assembly in 1930, after which he was elected to the Senate in 1932, re-elected in 1936, 1940 and 1944, declining to run for re-election upon the expiration of his term; and

WHEREAS, The Honorable Frank L. Gordon, during his service in the Legislature, earned for himself a high position in the esteem and affection of his fellow members, being noted for his intimate knowledge of the problems of the farmer, the conservationist and the sportsman, rendering especially valuable service as the Chairman of the Senate Committee on Fish and Game; and

WHEREAS, The Honorable Frank L. Gordon was a typical westerner, a son of the soil, of sincerity, earnestness and unassuming demeanor, precisely the type of man the average citizen likes to visualize when he employs the term "American"; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature mourn the passing of this stalwart westerner and desire by this resolution to pay tribute to his character and his contributions to the welfare of the state of his birth; and be it further

Resolved, That when the Legislature shall adjourn on this, the second day of March, 1955, it shall do so in honor of the memory of the Honorable Frank L. Gordon; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to forward suitably prepared copies of this resolution to Walter Gordon and Leslie Gordon, sons, and other bereaved members of the family of the Honorable Frank L. Gordon.

CHAPTER 76

Assembly Concurrent Resolution No. 58—Relative to C. Lyn Fox.

[Filed with Secretary of State, March 7, 1955]

WHEREAS, The Members of the Assembly and the Senate have noted with a deep sense of civic and personal pride and satisfaction that C. Lyn Fox, a citizen soldier, has been pro-

moted from Brigadier General to Major General, 91st Infantry Division, United States Army Reserve; and

WHEREAS, The outstanding military career of C. Lyn Fox involving two world wars is replete with important deeds and notable accomplishments and particularly during his tenure as an officer attached to the San Francisco Port of Embarkation he has been of inestimable benefit to the security and economic welfare of not only San Francisco, but the State of California and the United States of America; and

WHEREAS, The ability, intelligence and personable spirit of cooperation with which C. Lyn Fox has approached the performance of his varied and complex tasks have been patent manifestation of constructive military service and have crystallized in the minds of the Members of the California State Legislature that C. Lyn Fox personifies the highest type of officer and citizen; now, therefore, be it

Resolved, That the Assembly of the State of California, the Senate concurring, does hereby congratulate C. Lyn Fox on his promotion from Brigadier to Major General, United States Army Reserve; and be it further

Resolved, That a suitable copy of this resolution be forwarded to Mr. C. Lyn Fox.

CHAPTER 77

Senate Concurrent Resolution No. 33—Approving a certain amendment to the charter of the County of Alameda, State of California, submitted to, voted for, and ratified by, the electors of said county at a special county election held therein on the eighth day of June, 1954.

[Filed with Secretary of State, March 8, 1955.]

County of Alameda Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the charter of the County of Alameda, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and county clerk of the said county as follows, to wit:

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY OF ALAMEDA, SUBMITTED TO THE QUALIFIED ELECTORS OF THE SAID COUNTY OF ALAMEDA ON THE 8TH DAY OF JUNE, 1954.

PREAMBLE

BE IT KNOWN THAT:

Certificate

WHEREAS, the County of Alameda, State of California, has at all times mentioned herein, been and now is a body politic

of the State of California, and is now and has been since the 18th day of January, 1927, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 2nd day of November, 1926, and approved by the Legislature of the State of California on the 18th day of January, 1927, and filed in the Office of the Secretary of State on the 18th day of January, 1927, (Stats. 1927, pp 2029); and

WHEREAS, the Board of Supervisors of said County of Alameda, pursuant to the provisions of Section 7½ of Article XI of the Constitution of said State on the 27th day of April, 1954, duly enacted Ordinance No. 47A N S. calling and ordering the holding of a special county election throughout the County of Alameda, State of California, for the purpose of submitting to the qualified electors thereof a certain proposal to amend the charter of said County of Alameda, specifying the time of said election, establishing election precincts for same, and designating the polling places therein, and the names of the election officers for each precinct, and directing the Clerk of said Board to supply ballots, materials, equipment and all other things necessary for the conduct of said special county election, and to publish said ordinance five times in the Oakland Tribune, a daily newspaper printed, published and circulated in the County of Alameda, the last of said publications to be made before June 8, 1954; and

WHEREAS, thereafter said Ordinance No. 47A N.S. ordering and calling said special election was duly published in full and at length in said newspaper for five times on the following dates, to wit: May 3, 4, 5, 6 and 7, 1954; and

WHEREAS, the Board of Supervisors pursuant to the provisions of Section 7½ of Article XI of the Constitution of the State of California, by its Resolution No. 70906 adopted April 27, 1954, duly proposed and ordered submitted to the qualified electors of said County of Alameda at the special election to be held in said County on the 8th day of June, 1954, a proposed amendment to the Charter of the County of Alameda, and duly ordered that said proposal should be forthwith published for ten times in the Oakland Tribune, a daily newspaper of general circulation, printed, published and circulated in said County of Alameda, which said proposals were set forth in full and at length, and were, and are, in words and figures hereinafter set forth; and

WHEREAS, thereafter the said proposed amendment to the Charter of said County of Alameda was duly published in full and at length in said newspaper for ten times and on the following dates, to wit: April 30 and May 1, 2, 3, 4, 5, 6, 7, 8 and 9, 1954, and said special election at which said proposals

were submitted to the vote of qualified electors of said County was not less than thirty (30) days nor more than sixty (60) days after publication of said proposals as aforesaid; and

WHEREAS, subsequent to the adoption of Resolution No. 70906 above mentioned, said Board of Supervisors by Resolution No. 70908 adopted April 27, 1954, ordered said special election called by Ordinance No. 47A N.S. above mentioned to be consolidated with the state-wide direct primary election to be held the same date; said resolution No. 70908 further provided that within the area of consolidation, to wit, the County of Alameda, the election precincts, polling places, voting booths, and election officers should be the same as those that existed and served in the County of Alameda for the state-wide direct primary election that was held on the same date; said resolution duly prescribed the form and titles to be printed on the election ballot to be used at said consolidated election on June 8, 1954, for the submission of said proposal, which said form and title is hereinafter set forth, and in which said form and under which said title said proposal appeared on said ballot; and

WHEREAS, at said consolidated election said proposal was duly submitted to the vote of the qualified electors of said County and appeared on the ballot at said election in the following form, to wit:

AMENDMENT TO THE CHARTER OF THE COUNTY OF ALAMEDA

Shall the Charter of the County of Alemeda be amended to provide that the Board of Supervisors shall change the boundaries of the supervisorial districts by January 31, 1956, and at intervals of not more than ten years thereafter, and to provide standards to guide said Board in making such changes, and to provide that no such change shall be made so as to affect the term of office of any supervisor, and to provide that any change in boundaries shall not be made within a period commencing ninety days preceding a primary election and ending the day after the succeeding general election, by amending Section 7 of said Charter.	YES	
	NO	

and

WHEREAS, said ballot contained all matters and things required by law to be stated and contained thereon, and said ballot in all respects duly complied with law; and said proposal was duly and regularly submitted to said qualified electors in strict compliance with law, and after full compli-

ance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, returns of said special county election held in the County of Alameda on the 8th day of June, 1954, 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 of the County of Alameda, who is duly authorized, and said County Clerk did certify the same to the Board of Supervisors of said County, and the Clerk of said Board of Supervisors duly entered on the records of said Board of Supervisors on the 6th day of July, 1954, in Appendix No. 1 of Minute Book No. 94 a statement of the results of said canvass and said election; and

WHEREAS, a majority of the qualified electors voting thereon at said election voted in favor of the adoption of said amendment to the Charter of the County of Alameda; and

WHEREAS, said amendment so ratified by the electors of said County of Alameda at said election held on June 8, 1954, 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 the provisions of Section 7½ of Article XI of the Constitution of the State of California;

NOW, THEREFORE, the undersigned, Kent D. Pursel, Chairman of the Board of Supervisors of the County of Alameda, State of California, and Jack G. Blue, County Clerk and ex officio Clerk of the Board of Supervisors of the County of Alameda, State of California, authenticating their signatures with the official seal of the said Board of Supervisors of the County of Alameda, do hereby certify that said amendment to said Charter of said County so ratified by the majority of the electors voting thereon at said special county election held on the 8th day of June, 1954, as submitted to said electors is in words and figures as follows, and is and shall, if so approved by said Legislature, be in the words and figures following, to wit:

PROPOSAL

TO AMEND THE CHARTER OF THE COUNTY OF ALAMEDA TO EXPRESSLY PROVIDE THAT THE BOARD OF SUPERVISORS SHALL CHANGE THE BOUNDARIES OF THE SUPERVISORIAL DISTRICTS AT INTERVALS OF NOT MORE THAN TEN YEARS, AND TO PROVIDE STANDARDS TO GUIDE THE BOARD IN MAKING SUCH CHANGES, AND TO PROVIDE THAT ANY SUCH CHANGE SHALL NOT AFFECT THE TERM OF OFFICE OF ANY SUPERVISOR, AND TO PROVIDE THAT ANY CHANGE IN BOUNDARIES SHALL NOT BE MADE WITHIN A PERIOD COMMENCING NINETY DAYS PRECEDING A PRIMARY ELECTION AND ENDING THE DAY AFTER THE SUCCEEDING GENERAL ELECTION; BY AMENDING SECTION 7 OF SAID CHARTER OF THE COUNTY OF ALAMEDA TO READ AS FOLLOWS, TO WIT:

Change in boundaries of supervisorial districts

"Section 7. The Board of Supervisors may by a two-thirds vote of its members, change the boundaries of any or all of the supervisorial districts of the county; provided, however, that the Board shall, by January 31, 1956, and at intervals of not more than every ten years after said date, change the boundaries of the supervisorial districts of the county pursuant to the method and limitations prescribed by this Section, giving consideration to the following factors: (a) population, (b) topography, (c) geography, (d) cohesiveness, contiguity, integrity, and compactness of territory, and (e) community of interests of the districts. The boundaries of any supervisorial district shall not at any time be changed so as to affect the term of office of any supervisor who has been elected or appointed and whose term of office has not expired. A change in the boundaries of a supervisorial district shall not be made within a period commencing ninety days preceding a primary election and ending the day after the succeeding general election."

We hereby certify that the facts set forth in the Preamble of this certificate preceding said amendment to said Charter are, and each of them is, true; and for and on behalf of said County of Alameda we being duly authorized, do hereby request the Legislature of the State of California to approve said amendment to said Charter, as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

In witness whereof we have hereunto set our hands and affixed the official seal of said Board of Supervisors of the County of Alameda, State of California, this 13th day of January, 1955.

(Signed) KENT D. PURSEL
(SEAL) Chairman of the Board of Supervisors of the County of Alameda, State of California.

(Signed) JACK G. BLUE
County Clerk and ex officio Clerk of the Board of Supervisors of the County of Alameda, State of California.

ATTEST:
(Signed) JACK G. BLUE
County Clerk and ex officio Clerk of the Board of Supervisors of the County of Alameda, State of California.

WHEREAS, Said proposed amendment to the Charter of the County of Alameda, so ratified by the majority of the electors voting thereon at said special county election held on the 8th

day of June, 1954, 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 members elected to each house voting therefor and concurring therein, That said amendment to the charter of the County of Alameda, as presented to, and adopted, and ratified by the electors of said county, and as hereinbefore fully set forth, be, and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to, and as a part of, the charter of said County of Alameda. Approval

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CHAPTER 78

Senate Concurrent Resolution No. 34—Relative to approving amendments to the charter of the County of Alameda, State of California, voted for and ratified by the qualified electors of said county at an election held therein on the second day of November, 1954.

[Filed with Secretary of State, March 8, 1955.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the County of Alameda, State of California, as hereinafter set forth in the certificate of the chairman of the board of supervisors and county clerk of said county, as follows, to wit: County of Alameda: Charter amendments

CERTIFICATE OF COUNTY CLERK OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AS TO THE ADOPTION AND RATIFICATION OF CERTAIN AMENDMENTS TO THE CHARTER OF SAID COUNTY OF ALAMEDA, SUBMITTED TO THE QUALIFIED ELECTORS OF THE SAID COUNTY OF ALAMEDA ON THE 2ND DAY OF NOVEMBER, 1954.

PREAMBLE.

BE IT KNOWN THAT:

WHEREAS, the County of Alameda, State of California, has, at all times mentioned herein, been and now is a body politic of the State of California, and is now and has been since the 18th day of January, 1927, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of Certificate

said County at an election held for that purpose on the 2nd day of November, 1926, and approved by the Legislature of the State of California on the 18th day of January, 1927, and filed in the Office of the Secretary of State on the 18th day of January, 1927 (Stats. 1927, pp. 2029); and

WHEREAS, the Board of Supervisors, pursuant to the provisions of Section 7½ of Article XI of the Constitution of the State of California, by its Resolution No. 72892 adopted September 21, 1954, duly proposed and ordered submitted to the qualified electors of said County of Alameda amendments to the Charter of said County of Alameda, designated as Proposal "A", "B" and "C", and ordered that said proposed amendments be submitted to said qualified electors of said County at the General State Election to be held on the 2nd day of November, 1954, and duly ordered that said proposals should be forthwith published for ten times in the Oakland Tribune, a daily newspaper of general circulation, printed, published and circulated in said County of Alameda, which said proposals were set forth in full and at length, and were, and are in words and figures hereinafter set forth; and

WHEREAS, thereafter the said proposed amendments to the Charter of said County of Alameda were duly published in full and at length in said newspaper for ten times and on the following dates, to wit: September 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, and October 1st and 2nd, 1954, and said General Election at which said proposals were submitted to the vote of qualified electors of said County was not less than thirty (30) days nor more than sixty (60) days after publication of said proposals as aforesaid; and

WHEREAS, immediately subsequent to said publication, said Board of Supervisors, by Resolution No. 73142 adopted October 5, 1954, duly prescribed the form and titles to be printed on the ballot to be used at said General Election on November 2, 1954, for the submission of said proposals, which said form and titles are hereinafter set forth, and in which said form and under which said titles said proposals appeared on said ballot; and

WHEREAS, at said election said proposals, and each of them, were duly submitted to the vote of the qualified electors of said County and appeared on the election ballot at said election in the following form, to wit:

AMENDMENTS TO THE CHARTER OF THE COUNTY OF ALAMEDA

A.	Shall Sections 36(a) and 36(b) of the Charter of the County of Alameda be amended to provide that it shall be the duty of the Civil Service Commission, in addition to its present duty to provide for classification of all positions in classified civil service, to also provide from time to time for the reclassification of any or all positions in the classified civil service and for the reallocation of individual positions to classes, to set up additional standards for guidance of the Commission in making classifications and reclassifications and the allocation or reallocation or positions in classes, and that each such action of the Commission shall become effective upon approval by the Board of Supervisors; and to provide that the Civil Service Commission, in addition to its present duty to provide for competitive examinations, may in its discretion also provide for giving noncompetitive qualifying examinations to incumbents with tenure in positions which are reclassified or reallocated and that such incumbents who qualify shall be appointed subject to probation to the reclassified or reallocated positions?	YES NO
B.	Shall Section 36(c) of the Charter of the County of Alameda, which now prohibits the Civil Service Commission from providing a period of probation longer than six months, be amended to provide that the Civil Service Commission shall fix a period of probation for each class of positions in the classified civil service before appointment or promotion is complete, during which period a probationer may be discharged or reduced, and that such action of the Commission shall become effective upon approval by the Board of Supervisors?	YES NO
C.	Shall the Charter of the County of Alameda be amended by adding a new Section to be numbered 36(e) to said Charter making it the duty of the Civil Service Commission to recommend annually to the Board of Supervisors a rate of pay for each class in the classified civil service based upon a comparison of salaries being paid for like service and working conditions in other comparable places of public and private employment?	YES NO

and

WHEREAS, said ballot contained all matters and things required by law to be stated and contained thereon, and said ballot in all respects duly complied with law; and said proposals, and each of them, were duly and regularly submitted to said qualified electors in strict compliance with law, and after full compliance with each and every provision of law relating to the amendment of county charters; and

WHEREAS, said General Election was held in said County of Alameda on said 2nd day of November, 1954; and

WHEREAS, thereafter the County Clerk of said County of Alameda, who was duly authorized, did, in the manner provided by law, duly and regularly canvass the returns of said election and certified the same to the Board of Supervisors of said County, and the Clerk of said Board of Supervisors did on the 30th day of November, 1954, duly enter on the records of said Board of Supervisors a statement of the results of said canvass at said election; and

WHEREAS, a majority of the qualified electors voting thereon at said General Election voted in favor of the adoption of each of said amendments to the Charter of the County of Alameda hereinafter set forth; and

WHEREAS, said amendments so ratified by the electors of said County of Alameda at said General Election held on November 2, 1954, are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California;

NOW, THEREFORE, the undersigned, Kent D. Pursel, Chairman of the Board of Supervisors of the County of Alameda, State of California, and Jack G. Blue, County Clerk and ex officio Clerk Clerk of the Board of Supervisors of the County of Alameda, State of California, authenticating their signatures with the official seal of said Board of Supervisors of the County of Alameda, do hereby certify that said amendments to said Charter of said County, as hereinafter set forth, and each of them, so ratified by the majority of the electors voting thereon at said General Election held on the 2nd day of November, 1954, as submitted to said electors, are in words and figures as follows, and are and shall, if so approved by said Legislature, be in the words and figures following, to wit:

PROPOSAL "A"

TO AMEND SECTIONS 36(A) AND 36(B) OF THE CHARTER OF THE COUNTY OF ALAMEDA, RELATING TO CIVIL SERVICE, TO PROVIDE THAT IT SHALL BE THE DUTY OF THE CIVIL SERVICE COMMISSION, IN ADDITION TO ITS PRESENT DUTY TO PROVIDE FOR CLASSIFICATION OF ALL POSITIONS IN CLASSIFIED CIVIL SERVICE, TO ALSO PROVIDE FROM TIME TO TIME FOR THE RECLASSIFICATION OF ANY OR ALL POSITIONS IN THE CLASSIFIED CIVIL SERVICE AND FOR THE REALLOCATION OF

INDIVIDUAL POSITIONS TO CLASSES, TO SET UP ADDITIONAL STANDARDS FOR GUIDANCE OF THE COMMISSION IN MAKING CLASSIFICATIONS AND RECLASSIFICATIONS AND THE ALLOCATION OR REALLOCATION OF POSITIONS TO CLASSES, AND THAT EACH SUCH ACTION OF THE COMMISSION SHALL BECOME EFFECTIVE UPON APPROVAL BY THE BOARD OF SUPERVISORS: AND TO PROVIDE THAT THE CIVIL SERVICE COMMISSION, IN ADDITION TO ITS PRESENT DUTY TO PROVIDE FOR COMPETITIVE EXAMINATIONS, MAY IN ITS DISCRETION ALSO PROVIDE FOR GIVING NONCOMPETITIVE QUALIFYING EXAMINATIONS TO INCUMBENTS WITH TENURE IN POSITIONS WHICH ARE RECLASSIFIED OR REALLOCATED AND THAT SUCH INCUMBENTS WHO QUALIFY SHALL BE APPOINTED SUBJECT TO PROBATION TO THE RECLASSIFIED OR REALLOCATED POSITIONS

by amending Sections 36(a) and 36(b) of said Charter to read respectively as follows:

"Sec. 36: It shall be the duty of the Civil Service Commission:

"(a) To provide for the classification of all positions in the classified Civil Service and from time to time for the reclassification of any or all such positions and for the allocation and reallocation of individual positions to classes in such manner as to permit and encourage the filling of higher classes by promotion. In the performance of such duty the Commission shall be guided by the principles presently set forth in Section 18,801 of the Government Code of the State of California. Each such action of the Commission shall be submitted to the Board of Supervisors and shall become effective upon approval by said Board. Civil service commission Classification of positions

"(b) To provide for the preparation and holding of competitive examinations in order to test the relative fitness of all applicants for appointment to or promotion in the classified Civil Service; provided, however, that noncompetitive qualifying examinations may be given to incumbents with tenure in positions which are reclassified or reallocated, and that the name of each incumbent who qualifies in such qualifying examination shall be placed on an eligible list and the said incumbent shall be appointed subject to probation to the reclassified or reallocated position, anything in this Charter to the contrary notwithstanding. At least ten days notice shall be given of each competitive examination." Examinations

PROPOSAL "B"

TO AMEND SECTION 36(c) OF THE CHARTER OF THE COUNTY OF ALAMEDA, WHICH NOW PROHIBITS THE CIVIL SERVICE COMMISSION FROM PROVIDING A PERIOD OF PROBATION LONGER THAN SIX MONTHS, TO PROVIDE THAT THE CIVIL SERVICE COMMISSION SHALL FIX A PERIOD OF PROBATION FOR EACH CLASS OF POSITIONS IN THE CLASSIFIED CIVIL SERVICE BEFORE APPOINTMENT OR PROMOTION IS COMPLETE,

DURING WHICH PERIOD A PROBATIONER MAY BE DISCHARGED OR REDUCED, AND THAT SUCH ACTION OF THE COMMISSION SHALL BECOME EFFECTIVE UPON APPROVAL BY THE BOARD OF SUPERVISORS

by amending Section 36(c) of said Charter to read as follows:

"Sec. 36: It shall be the duty of the Civil Service Commission:

Probationary periods

"(c) To provide a period of probation for each class in the classified civil service before appointment or promotion is complete, during which period a probationer may be discharged or reduced. Each such action of the Commission shall be submitted to the Board of Supervisors and shall become effective upon approval by said Board."

PROPOSAL "C"

TO AMEND THE CHARTER OF THE COUNTY OF ALAMEDA BY ADDING A NEW SECTION TO SAID CHARTER TO BE NUMBERED 36(e) MAKING IT THE DUTY OF THE CIVIL SERVICE COMMISSION TO RECOMMEND ANNUALLY TO THE BOARD OF SUPERVISORS A RATE OF PAY FOR EACH CLASS IN THE CLASSIFIED CIVIL SERVICE BASED UPON A COMPARISON OF SALARIES BEING PAID FOR LIKE SERVICE AND WORKING CONDITIONS IN OTHER COMPARABLE PLACES OF PUBLIC AND PRIVATE EMPLOYMENT

by adding Section 36(e) to the Charter of the County of Alameda, to read as follows:

"Sec. 36. It shall be the duty of the Civil Service Commission:

Pay rate recommendations

"(e) To recommend to the Board of Supervisors at least sixty days prior to the end of each fiscal year a rate of pay for each class in the classified civil service based upon a comparison of salaries being paid for like service and working conditions in other comparable places of public and private employment in order that all salaries shall be uniform for like service in each class of the classified civil service."

We hereby certify that the facts set forth in the preamble of this certificate preceding said amendments to said Charter are, and each of them is, true; and for an on behalf of said County of Alameda we, being duly authorized, do hereby request the Legislature of the State of California to approve said amendments to said Charter, and each of them, as a whole, and to take such other and further steps and proceedings as may be necessary to perfect such approval.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed the official seal of said Board of Supervisors of the

County of Alameda, State of California, this 13th day of January, 1955.

(Signed) KENT D. PURSEL
(SEAL) Chairman of the Board of Supervisors of the County of Alameda, State of California

(Signed) JACK G. BLUE
County Clerk and ex officio Clerk of the Board of Supervisors of the County of Alameda, State of California

ATTEST:
(Signed) JACK G. BLUE
County Clerk and Ex officio Clerk of
the Board of Supervisors of the
County of Alameda, State of California

WHEREAS, Said proposed amendments to the Charter of the County of Alameda, so ratified by the majority of the electors voting thereon at said General Election held on the 2nd day of November, 1954, and each of them, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California;

Approval

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 amendments to the charter of the County of Alameda, and each of them, as proposed, adopted and ratified by the electors of the said County of Alameda, and as hereinbefore set forth, be and the same are hereby approved as a whole, without amendment or alteration, and as amendments to and as a part of the charter of the County of Alameda.

CHAPTER 79

Assembly Concurrent Resolution No. 48—Approving certain amendments to the charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held on the second day of November, 1954.

[Filed with Secretary of State, March 9, 1955.]

City of San Jose Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter

of the City of San Jose, a municipal corporation in the County of Santa Clara, 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 SANTA CLARA } ss.

Certificate

We, the undersigned, George Starbird, Mayor of the City of San Jose, State of California, and Dorothy Covill, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Jose, a municipal corporation in the County of Santa Clara, 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 year of 1915, 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 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 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 Jose, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City two certain proposals designated as "Charter Amendment Proposition A" and "Charter Amendment Proposition B" to amend the charter of said City and to be voted upon by said qualified electors at the special municipal election held in said City on the second day of November, 1954, said special municipal election having been consolidated with the State of California general election held on November 2, 1954.

That said proposed amendments were duly published for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz.: on the twenty-second day of September, 1954 in the San Jose News, a daily newspaper of general circulation published in said City of San Jose, and in each edition thereof during the day of publication.

That said special municipal election was duly called, held and conducted in the time, form and manner required by law on the second day of November, 1954, said day being not less than forty (40) and not more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed charter amendments in the San Jose News.

That copies of said proposed amendments were 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 in said City in accordance with the Constitution of

the State of California and the charter of the City of San Jose; and an advertisement that copies thereof could be had by application therefor at the office of the city clerk of the City of San Jose was published in the San Jose News, a newspaper of general circulation published in said City, on the twenty-second day of September, 1954 and each day thereafter to and including the second day of November, 1954, 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 second day of November, 1954, the date fixed for said election.

That the county clerk of the County of Santa Clara conducted and officially completed the canvass of all ballots cast at said State of California general election and said special municipal election consolidated therewith as aforesaid.

That the Board of Supervisors of said County of Santa Clara by resolution adopted November 29, 1954 ratified and confirmed the canvass of votes as conducted by the county clerk of said County and said county clerk on November 24, 1954 certified the result of said special municipal election to the Council of the City of San Jose.

That the Council of the City of San Jose in accordance with law did meet on Monday, the sixth day of December, 1954 at its usual place of meeting and did duly and regularly cause to be spread on its minutes a statement of the results of said special municipal election as ascertained by said canvass; and said Council did by resolution duly find and declare that a majority of the qualified voters voting on said charter amendments voted in favor thereof and that said charter amendments were ratified.

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 charter amendments so ratified by the majority of the qualified voters of said City voting at said special municipal election are in words and figures as follows, to wit:

CHARTER AMENDMENT PROPOSITION A

Amends Section 109A by adding thereto a new sub-section to be designated "Sub-section 4 Mandatory Separation from Service" said Sub-section 4 to read as follows:

Mandatory retirement

Notwithstanding any other provisions of this Charter to the contrary, all members of the Civil Service of the City, whether they occupy positions in the classified or unclassified service, excepting members of the Police and Fire Departments and employees subject to the provisions of the Police and Fire Departments' retirement system, shall, upon arrival at the age of seventy (70) years, be separated from the service of the City. Said separation shall be effective on the first day of the calen-

dar month next succeeding that in which such member attains age seventy (70). The secretary of the Civil Service Commission shall at least sixty days prior to the effective date of separation give written notice thereof to such member, provided, however, that failure to give such notice shall not alter or extend the effective date of separation.

CHARTER AMENDMENT PROPOSITION B

Amends the Charter of the City of San Jose by adding thereto a new section to be numbered 136a, said new section to read as follows:

Streets, highways, etc., in public places

136a—Other provisions of this Charter to the contrary notwithstanding, the Council of the City of San Jose may, by ordinance, authorize the opening, establishment and maintenance of streets or other public ways, including highways, in or through any of the public parks, public places, or other public property of the City.

And we further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of San Jose with the original proposals submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy thereof.

IN WITNESS WHEREOF, We have hereunto set our hands and caused the seal of the City of San Jose to be affixed hereto, this 17th day of January, 1955.

GEORGE STARBIRD
(SEAL) Mayor of the City of San Jose
DOROTHY COVILL
City Clerk of the City of San Jose

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 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 Jose 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 San Jose.

CHAPTER 80

Assembly Joint Resolution No. 24—Relative to the Panama Canal.

[Filed with Secretary of State, March 11, 1955.]

WHEREAS, The economy of the Pacific Coast area is largely dependent upon intercoastal and foreign shipping; and

WHEREAS, The proper allocation of costs of operation at the Panama Canal between the national defense features of the canal and commercial shippers have important effects upon tolls assessed against intercoastal and foreign cargoes transiting the canal; and

WHEREAS, The Boards of State Harbor Commissioners of the ports of California believe that such toll burdens should be assessed equitably and fairly; 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 Administration and the Congress of the United States:

(1) To enact proper corrective legislation to modify the present fiscal and financial policies now employed at the canal in order to eliminate present unreasonable cost allocations which penalize commercial shippers of the canal through inequitable tolls; and

(2) To enact proper legislation which will recognize the national defense value of the canal in such cost allocations; and

(3) To enact corrective legislation with respect to interest charges, depreciation, Canal Zone government costs and the annuities paid to the Republic of Panama to insure that commercial users of the canal will no longer be called upon to pay more than their share of these costs; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 81

Assembly Concurrent Resolution No. 47—Relative to amending Rule 37 of the Joint Rules of the Senate and Assembly, regarding the Legislative Budget Committee.

[Filed with Secretary of State, March 11, 1955.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Rule 37 of the Joint Rules of

the Senate and Assembly for the 1955 Regular Session (S. C. R. 21) be amended to read:

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.

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 five 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

committee 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.

Legislative Auditor: Duties

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.

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 nor 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 requester to provide the requesting committee or legislator with the service or information requested, and thereupon shall notify the requester 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 requester. In the event the committee refuses such authorization, he shall inform such requester forthwith.

CHAPTER 82

Assembly Concurrent Resolution No. 53—Relative to congratulating Walter Kane, manager and publisher of the Bakersfield "Californian."

[Filed with Secretary of State, March 11, 1955.]

WHEREAS, The California Newspaper Publishers Association recently held its annual meeting in San Francisco and elected Walter Kane, publisher and general manager of the Bakersfield "Californian," to take over the presidential duties of the association; and

WHEREAS, Walter Kane was born in Massachusetts in 1900, received his education in the schools of that state, enlisted in the air corps at the age of 18 and served his Country in World War I; and

WHEREAS, The State of California and particularly the San Joaquin Valley gained a true champion when Mr. Kane came to California in 1922 and took a position with the Bakersfield "Californian"; and

WHEREAS, The "Californian" has grown rapidly into a journalistic titan under the tutelage of Walter Kane and has played a vital role in pacing the development of the San Joaquin Valley so that today it stands as the most richly abundant agricultural area in the world; and

WHEREAS, In championing the cause of his adopted State, Walter Kane has molded the "Californian" with the skillful hand of an expert technician so that its technical excellence has received recognition before such qualified judges as the National Editorial Association, which, in 1946, granted the "Californian" national honors for general excellence and best typography. In the past 15 years the "Californian" has won 12 awards from the California Newspaper Publishers Association. They were second place honors for best typography (1941); best front page (1948) and second best front page (1955); best special issue (1954); third place honors for best spot news picture (1941); best feature pictures (1941); best typography (1948 and 1954); general excellence (1953) and second place honors for general excellence (1955); honorable mention for best spot news picture (1953); and best editorial page (1952); and

WHEREAS, Walter Kane's tremendous energy and unflagging interest in the attainment of technical excellence for the Bakersfield "Californian," and the part this newspaper so ably managed by him has played in the development of the San Joaquin Valley deserves suitable recognition by this body assembled; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Walter Kane be congratulated upon his election as president of the California Newspaper Publishers Association and his tremendous record of achieve-

ment in bringing the Bakersfield "Californian" to its present position of pre-eminence in the field of newspaper publications; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a suitably prepared copy of this resolution to Walter Kane.

CHAPTER 83

Assembly Concurrent Resolution No. 57—Relative to the observance of "Save Your Vision Week."

[Filed with Secretary of State, March 11, 1955.]

WHEREAS, The twenty-seventh annual "Save Your Vision Week" will be observed from March 6th to March 12th of this year; and

WHEREAS, During this time the California Optometric Association, which sponsors "Save Your Vision Week," furnishes vital information on visual training, eye care, and facts pertinent to improving vision; and

WHEREAS, It is essential that attention be drawn to the need and desirability for saving and preserving a person's eyesight, one of the most valuable and useful faculties of man; and

WHEREAS, The existence of proper vision is beneficial not only to the individual but also to the community in that it promotes increased interest in governmental, economic, and social activities; and

WHEREAS, In connection with the observance of this week the Honorable Goodwin J. Knight, Governor of the State of California, has so adequately stated:

"Sight is one of the most precious gifts with which any person can be endowed. Good vision enables us to work with greater efficiency at most tasks; to derive greater enjoyment from sports, hobbies and other forms of recreation; to effect substantial reductions in the number and severity of traffic accidents and, in fact, industrial and domestic accidents as well"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this Legislature does most heartily endorse the purposes of "Save Your Vision Week" and urges the people of the State of California to acquaint themselves more fully with the proper means available to them in order to safeguard their vision for a richer and better life.

CHAPTER 84

Assembly Joint Resolution No. 9—Relative to memorializing the Congress of the United States to take appropriate action to establish a separate federal judicial district for the Counties of San Diego and Imperial, with two resident federal judges.

[Filed with Secretary of State, March 14, 1955.]

WHEREAS, California's San Diego and Imperial Counties comprise one of the Nation's most rapidly growing areas. By 1958, it is reliably estimated that they will have a population in excess of 1,000,000; and

WHEREAS, Because of their location (both counties border on Mexico), because of a tremendous increase in commercial and manufacturing activity, and because of a great concentration of military establishments, there has been a vast increase in the volume of federally cognizable cases, particularly of criminal cases, arising in these counties; and

WHEREAS, These counties presently comprise the Southern Division of the Southern District of California, to which is assigned but a single federal judge; and

WHEREAS, The case load in this division has proven to be such that one judge cannot possibly cope with it. Since 1952, at practically all times, an additional federal judge, either a visiting judge, or a judge assigned on a rotating basis from Los Angeles, has sat in San Diego. Cases which normally should have been tried in San Diego have been transferred for trial to judges sitting in Los Angeles; and

WHEREAS, None of these solutions have proven either adequate or satisfactory. The cost of assigning an extra judge, necessitating as it does the payment of per diem and travel expenses of not only the judge, but also his clerks and bailiffs, is more than twice the cost which would be required for an additional resident judge. The assigned judge is not conversant with local problems. There tends to be uncertainty in policy as to the sentencing of criminals and the administration of both civil and criminal matters. If the case is one which has been transferred to Los Angeles for trial, counsel, litigants, and witnesses are put to unnecessary and unjust inconvenience and expense; and

WHEREAS, Construction of a new courtroom, which is to be undertaken this spring, will insure adequate facilities for a two-judge district court; and

WHEREAS, At the present time, all official court minutes, dockets of criminal and civil cases, as well as the alphabetical index of plaintiffs and defendants, both in criminal and civil matters, are kept in Los Angeles. Only in Los Angeles are indictments returned. All matters of policy and direction and much of the detailed work of the U. S. Attorney's office and the probation office are handled in Los Angeles; and

WHEREAS, Both in matters of administration and enforcement, the delay and cost occasioned by the constant need to refer on even the most minute matters to Los Angeles is not in the best interests of either the Federal Government or San Diego and Imperial County counsel, litigants, defendants and witnesses; and

WHEREAS, San Diego and Imperial Counties are located more than 100 miles south of Los Angeles. They have their own separate economy and problems. The advantages of local control of the courts, the probation, marshal and U. S. Attorney's office far outweigh any possible advantage of centralized control in Los Angeles; 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 establish a separate federal judicial district for the California Counties of San Diego and Imperial, with two resident judges, in order to provide for a more economical and efficient administration of justice; 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 85

Assembly Concurrent Resolution No. 62—Approving amendments to the charter of the City of Salinas, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified electors of said city at a special municipal election consolidated with the State of California General Election held on the second day of November, 1954.

[Filed with Secretary of State, March 16, 1955.]

City of Salinas. Charter amendments

WHEREAS, Proceedings have been taken for the proposal, adoption, and ratification of amendments to the charter of the City of Salinas, a municipal corporation in the County of Monterey, State of California, as hereinafter set out in the certificate of the mayor and city clerk of said city as follows:

CERTIFICATE OF MAYOR AND CITY CLERK OF SALINAS, COUNTY OF MONTEREY, STATE OF CALIFORNIA

STATE OF CALIFORNIA }
COUNTY OF MONTEREY } ss.

Certificate

We, the undersigned Dan G. Bardin, Mayor of Salinas, and F. E. Heple, City Clerk of Salinas, do hereby certify and declare as follows:

That the city of Salinas, County of Monterey, 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, as ascertained by the last preceding Census taken under the authority of Congress of the United States, and has been ever since the year 1918, and is now, organized and existing under and pursuant to the provisions of a freeholder's 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 general election held on the 5th day of November, 1918, in the manner, form, and substance as required by law, and was thereafter duly approved by the Assembly of the State of California, the Senate concurring, and filed with the Secretary of State on the 24th day of January, 1919.

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 Salinas, 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 a special municipal election consolidated with the State of California General Election held on the 2nd day of November, 1954.

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 15th day of September, 1954, in the Salinas Californian, a daily newspaper of general circulation published in said city of Salinas, 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 an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the city of Salinas, was published in the Salinas Californian, a newspaper of general circulation published in said city, on the 15th day of September, 1954, and on each day thereafter to and including the 2nd day of November, 1954, 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 2nd day of November, 1954, the date fixed for said election.

That said special municipal election was duly and regularly held in said city of Salinas, after due notice given and pub-

lished, on the 2nd day of November, 1954, 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 Salinas Californian.

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 each of the amendments to the Charter of the city of Salinas hereinafter set forth was ratified by a majority of the electors of said city voting thereon; that the Council of said city did by its Resolution No. 2758 (N.C.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 Salinas so ratified by the electors of said city are in the words and figures as follows, to-wit:

CHARTER AMENDMENT NO. 1

Repeal

That Sections 47 and 48 of the Charter of Salinas, entitled "Library Trustees", and providing for the appointment, powers, and duties of such Board of Library Trustees, are repealed.

CHARTER AMENDMENT NO. 2

That Section 81 of the Charter of Salinas, entitled "Public Work Not Paid For by Assessment", is amended to read as follows:

"PUBLIC WORK NOT PAID FOR BY ASSESSMENT

Public work contracts exceeding $2,000

"Sec. 81. In all public work, excepting work on sewers and emergency work, where the estimated cost of the work is in excess of $2,000.00, the Council shall advertise for sealed bids in such manner as they may provide, and the contracts shall be awarded to the lowest responsible bidder, provided that the Council shall have authority to reject any or all bids; provided, however, that when the estimated cost of the work is between $500.00 and $2,000.00, informal bids shall be received from two or more bidders, if available, without the necessity of advertising; provided further that for any public work, if the Council shall be advised by the City Manager that the work can be done for a sum less than the lowest responsible bid, it shall then be their privilege to reject all bids and to order the work done by day's work under the supervision and direction of the City Manager."

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the city of Salinas to be affixed hereto, this 19th day of January, 1955.

DAN G. BARDIN
(SEAL) Mayor of the city of Salinas
F. E. HEPLE
City Clerk of the city of Salinas

and

WHEREAS, The said proposed amendments to the charter of the City of Salinas so ratified as hereinbefore set forth 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

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 Salinas herein set forth as presented and submitted to and ratified and adopted by the qualified electors of the City of Salinas, be and the same are hereby adopted as a whole for and as amendments to the said charter of the City of Salinas. Approval

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CHAPTER 86

Assembly Concurrent Resolution No. 65—Relative to diamond jubilee of California navel orange industry.

[Filed with Secretary of State, March 16, 1955.]

WHEREAS, The State of California is famous throughout the world for its production and marketing of oranges, and, in particular its navel oranges; and

WHEREAS, In 1873 Mrs. Eliza Tibbets of Riverside secured from Brazil the first two Washington navel orange cuttings, planted and nurtured them, and brought them into bearing, and one of these two trees still grows in Riverside, being known as the Parent navel orange tree; and

WHEREAS, It was from these two original trees that buds were taken to graft on rootstock in Riverside nurseries, which were then set out in 1880, becoming the first commercial planting in the world of navel orange trees, thereby launching the important navel orange industry of California which reshaped the course of agriculture in this great State, dwarfing the 1849 gold rush in total wealth; and

WHEREAS, Navel orange production is rooted in approximately 72,000 acres of soil and yields an annual crop value of more than thirty-five million dollars ($35,000,000); and

WHEREAS, The navel orange industry constitutes a very important segment of the agricultural economy of the Golden State; and

WHEREAS, The diamond jubilee observance is being held in the City of Riverside, celebrating the first commercial planting of seedless Washington navel orange trees in California, which event occurred in Riverside; 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 congratulations to the leaders of the citrus industry on this diamond jubilee and commend the City of Riverside for commemorating this important event in California history; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to send suitably prepared copies of this resolution to Robert J. Asbury and Donald A. Stevning, Cochairmen of the Diamond Jubilee Committee.

CHAPTER 87

Assembly Concurrent Resolution No. 56—Relative to the Second Pan American Games.

[Filed with Secretary of State, March 18, 1955]

WHEREAS, The Second Pan American Games are to be held in Mexico City, Mexico, from March 12th to March 26th of this year; and

WHEREAS, These games will consist of athletic contests involving leading athletes of nations of the western hemisphere, including Argentina, the Bahamas, Brazil, Canada, Colombia, Cuba, Chile, Ecuador, El Salvador, Guatemala, Jamaica, Puerto Rico, Dominican Republic, Uruguay, Venezuela, and Mexico; and

WHEREAS, Athletes from the United States, some of whom are from California, will participate in this great sports festival; and

WHEREAS, There will be contests in which participants from North and South America associate with a spirit of good sportsmanship in clean, wholesome competition in such forms of athletic activity as basketball, baseball, boxing, tennis, track and field events, equestrian events, and water polo which will further good will, mutual understanding and respect among the nations of the Americas; and

WHEREAS, It behooves the Legislature of the State of California to give recognition to this worth-while event; 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 extends its commendations and best wishes for success to the Second Pan American Games; and be it further

Resolved, That the Chief Clerk of the Assembly is instructed to transmit a suitably engrossed copy of this resolution to the Honorable Manuel Guzman Willis, President of the Organizing Committee for the Second Pan American Games.

CHAPTER 88

Assembly Concurrent Resolution No. 59—Relative to commending the University of San Francisco.

[Filed with Secretary of State, March 18, 1955]

WHEREAS, It was with great pleasure and a deep sense of pride that the Members of the Legislature of the State of California learned of the choice of the University of San Francisco's Dons as the Nation's number one basketball team; and

WHEREAS, Champions of the California Basketball Association, the Dons, with a record of 23 victories and but a single nonleague defeat, well earned this honor; and

WHEREAS, Led by All-American Bill Russell, who established a new league scoring record, the team's dramatic climb to the pinnacle of basketball prominence is even more remarkable when it is realized that they are a team without a court to call their own. In order even to practice it was necessary first for them to find a court which they could borrow. That they were able to achieve success in the face of such adversity is a true indication of their ability and determination; and

WHEREAS, As a reward for their outstanding performance the Dons have been invited to compete in the National Collegiate Athletic Association Finals and the people of San Francisco, in a drive timed to tie-in with the team's bid for the collegiate championship, are seeking to raise seven hundred thousand dollars ($700,000) to be used to construct a gymnasium on the University's campus; 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 extend to the University of San Francisco, to Phil Woolpert, coach of the Dons, and to the individual members of the basketball team its sincere and heartiest congratulations upon the choice of the University of San Francisco Dons as the Nation's number one basketball team and its best wishes for the success of the Dons in the National Collegiate Athletic Association Finals and of the campaign by the people of San Francisco to raise the funds necessary to construct a gymnasium on the university campus; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and transmit copies of this resolution to university president, Father John F. X. Connolly, S. J.; to Phil Woolpert, coach of the Dons; and to each member of the team.

CHAPTER 89

Senate Concurrent Resolution No. 35—Relative to commending the University of Southern California on the occasion of the celebration of its Diamond Jubilee.

[Filed with Secretary of State, March 21, 1955.]

WHEREAS, The University of Southern California, one of the Nation's foremost institutions of higher learning, is, during the year 1955, celebrating the seventy-fifth anniversary of its founding; and

WHEREAS, From its inception in the year 1880, primarily as a college of liberal arts, it has grown to a major university with 15 colleges and schools—the College of Letters, Arts and Sciences, including the Schools of International Relations, Journalism and Philosophy; University College, for late afternoon and evening classes; the Graduate School; and 13 undergraduate and graduate professional schools; and

WHEREAS, From an initial enrollment of 100 the student body of the University has grown until now it numbers in excess of 18,000; and

WHEREAS, Outstanding in the fields of science and research, kingpin in the world of collegiate sports, leader in community planning and development, the University has gained its greatest fame for the caliber of the men and women which it has produced. Countless leaders of community, State, and Nation do homage to it as their alma mater. By their accomplishments you shall know not only them but the University which, during their formative years, guided them and instilled in them the concepts of our American Way of Life; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California does hereby congratulate the University of Southern California upon the celebration of its Diamond Jubilee and extends to the University its sincere best wishes for the coming years; and be it further

Resolved, That the Secretary of the Senate is hereby directed to prepare and forward suitable copies of this resolution to Dr. Fred D. Flagg, Jr., President of the University of Southern California, and to Dr. Rufus B. von KleinSmid, Chancellor, and to the "Daily Trojan," the student body newspaper.

CHAPTER 90

Senate Concurrent Resolution No. 45—Relative to the California Fryer Festival.

[Filed with Secretary of State, March 22, 1955.]

WHEREAS, The poultry industry of the State of California has greatly contributed to the wealth and prosperity of this

State and is today one of the industries of this State which by its constant expansion insures a growing healthy economy; and

WHEREAS, Not only does the poultry industry contribute greatly to California's economic well being but also is a source of one of California's most tasty delicacies; and

WHEREAS, The poultry industry of California will meet in the very heart of the poultry raising area of this State on June 18, 1955 in Modesto, California for the Second Annual California Fryer Festival and the Council of the City of Modesto has proclaimed the week of June 12 through June 18, 1955, to be California Fryer Festival Week in honor of this fine industry and its annual festival; and

WHEREAS, This festival will bring together poultrymen from all parts of the State to exchange ideas and to help solve through mutual cooperation many of the problems of the industry as well as to afford to the public an opportunity to view the many achievements of this industry first hand; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Fryer Festival is commended for its activities in aiding and promoting the poultry industry of the State of California; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the California Fryer Festival.

CHAPTER 91

Senate Concurrent Resolution No. 47—Relative to the purchase of avocados by state institutions.

[Filed with Secretary of State, March 22, 1955]

WHEREAS, Avocados constitute one of the important agricultural products of this State and is a principal agricultural product in some of the counties of this State; and

WHEREAS, A large supply of avocados is now available at very low prices, and, therefore, in view of its great food value, avocados constitute one of the greatest available bargains in food products at the present time; now, therefore, be it

Resolved by Senate of the State of California, the Assembly thereof concurring, That all state agencies responsible for the purchase of food supplies for state institutions be requested to purchase avocados in quantity for consumption in such state institutions while the supply is large and the price is low; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to the Governor, the Director of Finance, the Department of Mental Hygiene, the Department of Corrections, and the Youth Authority.

CHAPTER 92

Senate Joint Resolution No. 16—Relative to memorializing Congress, the Department of Defense, the Department of the Interior, and the Department of the Navy, not to withdraw land in Saline Valley in Inyo County from the public domain for use as an aerial gunnery range.

[Filed with Secretary of State, March 28, 1955.]

WHEREAS, An aerial gunnery range for use by Marine Corps pilots at the Navy Air Base at Mojave, California is planned to be established on 879,360 acres of land in and near the Saline Valley in Inyo County, California; and

WHEREAS, Within the proposed area there are currently being developed rich deposits of many strategic minerals vital to our national defense, which will be lost to the nation if this area becomes a gunnery range, such as uranium, asbestos, lead, zinc, tungsten, manganese, and talc, including steatite talc which is used in the manufacture of high frequency insulators for electronic equipment and of which this area is a major source; and

WHEREAS, Equally rich deposits of minerals vital to our defense which are not in the area of the proposed gunnery range will also be lost to the nation because the only access roads to these areas traverse the proposed gunnery range; and

WHEREAS, The establishment of this gunnery range will make nugatory the recent expenditure of one hundred fifty thousand dollars ($150,000) for the United States Geological Survey made of a portion of the Saline Valley which found the area to be a potential storehouse of strategic and critical materials; and

WHEREAS, The acquisition of 879,360 acres for such a gunnery range will most seriously affect the County of Inyo which already has 96 percent of the area in the county not subject to county taxation by taking still more lands off the tax rolls, by closing highways on which Inyo County has expended considerable public money for the purpose of opening the Saline Valley to the mining industry, and by seriously increasing unemployment due to the closing of the mines in the Saline Valley area; and

WHEREAS, There seems to be no reason why the large unused Air Force gunnery range near Tonopah, Nevada could not be used by the Marine Corps instead of taking over such a vital area as the Saline Valley; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California strongly disapproves of further withdrawals of lands from the public domain unless such action is absolutely necessary for valid federal purposes; and be it further

Resolved, That the Congress of the United States, the Department of Defense, the Department of the Interior, and the Department of the Navy be respectively memorialized not to

give authorization for withdrawal of the proposed land in Saline Valley in Inyo County from the public domain for acquisition and use thereof for an aerial gunnery range; 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, the Speaker of the House of Representatives, each Senator and Representative from California in the Congress of the United States, the Secretary of Defense, the Secretary of the Interior, the Secretary of the Navy and the Commander, Naval Air Base, Eleventh and Twelfth Naval Districts.

CHAPTER 93

Assembly Concurrent Resolution No. 60—Relative to the Standard Hour.

[Filed with Secretary of State, March 29, 1955.]

WHEREAS, The Standard Oil Company, in 28 years of broadcasting the Standard Hour, has brought untold joy to millions of people; and

WHEREAS, Through the medium of the Standard Hour, the finest of symphonic and operatic music and the greatest vocal and instrumental artists have been made available to the people of the West who, by force of circumstance, could not otherwise enjoy such fine music; and

WHEREAS, The Standard Hour, by its consistently high quality of performance, has contributed much to increased understanding and appreciation of great music, and, in so doing, has aided immeasurably in the growth and development of cultural standards in our homes; and

WHEREAS, It has become public knowledge that the Standard Oil Company is considering discontinuing this most notable artistic achievement and cultural contribution; 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 commend the Standard Oil Company for its sponsorship of the Standard Hour, the longest-continuing radio broadcast in the United States, which has for 28 years been a source of enjoyment and cultural enrichment to the people of the West; and be it further

Resolved, That the Members of the Legislature of the State of California, firmly believing that the loss of the Standard Hour will remove one of the most important foundation stones in the edifice of fine music, sincerely urge the Standard Oil Company to reconsider its decision, and permit the people of the West to continue to enjoy the great music of the Standard Hour; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and transmit a suitable copy of this resolution to the Standard Oil Company.

CHAPTER 94

Assembly Concurrent Resolution No. 61—Relative to the Hearst Expedition to Russia.

[Filed with Secretary of State, March 29, 1955.]

WHEREAS, William Randolph Hearst, Jr., Editor-in-Chief of the Hearst Newspapers and long a severe critic of the Communist Regime, in one of the most dramatic and sensational scoops in recent journalistic history, last month succeeded in obtaining exclusive interviews with the leaders of the Kremlin; and

WHEREAS, Accompanied by Frank Coniff, his editorial assistant, and Kingsbury Smith, European General Manager of International News Service, Mr. Hearst, in his talks with the Russians, gained information which is invaluable to this Nation and to the free world; and

WHEREAS, Subjects of interviews ranged from Communist Party Boss Krushchev to Shostakovich, the composer; from Premier Bulganin to Ulanova, the ballerina; from Marshal Zhukov to Patriarch Alexei, the head of the Russian Orthodox Church; and from Molotov to Sutlana Stalin, the late dictator's daughter; and

WHEREAS, Mr. Hearst's enterprise and initiative in this project are deserving of the highest praise and are in the best traditions of newspaper profession; 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 commend Mr. William Randolph Hearst, Jr., for his journalistic enterprise and initiative in securing interviews with the leaders of the Kremlin; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and transmit a suitable copy of this resolution to Mr. William Randolph Hearst, Jr.

CHAPTER 95

Assembly Concurrent Resolution No. 67—Relative to the passing of the Honorable John A. Pettis.

[Filed with Secretary of State, March 29, 1955.]

WHEREAS, The Members of the Legislature have learned with profound regret of the recent passing of the Honorable John A. Pettis, a former member of this body; and

WHEREAS, Mr. Pettis, a native of Ukiah, was graduated from the old University of the Pacific, now known as College of the Pacific, when that institution's campus was in San Jose; and

WHEREAS, Always active in his community and State, Mr. Pettis served with great distinction as a Member of the Assembly for three terms; and

WHEREAS, An able lawyer, he acted as legal counsel for the California Manufacturers' Association for many years, and represented that association in Sacramento from 1927 to 1945; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature take this means to express their sorrow at the recent passing of the Honorable John A. Pettis, and extend to the family of Mr. Pettis their sincere condolences; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Mrs. Maude Pettis, widow of the late John A. Pettis, and to John A. Pettis, Jr., his son.

CHAPTER 96

Assembly Concurrent Resolution No. 75—Approving certain amendments to the charter of the City of Alameda, 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 charter amendment election held therein on the eighth day of March, 1955.

[Filed with Secretary of State, March 29, 1955]

City of Alameda: Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALAMEDA OF TWO CERTAIN CHARTER AMENDMENTS

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.
CITY OF ALAMEDA }

Certification

We, the undersigned, S. Chesley Anderson, Mayor of the City of Alameda, and Shirley H. Tennier, City Clerk of the City of Alameda, do hereby certify and declare as follows:

That the City of Alameda, 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 (3,500), and ever since the 5th day of May, 1937, has been and is now organized, exist-

ing 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 29th day of April, 1937, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 5th day of May, 1937 (Statutes of 1937, page 2880).

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 Alameda, being the legislative body thereof, by its Resolution numbered 5035 adopted on January 18, 1955, duly and regularly submitted to the qualified electors of said City two certain proposals to amend the Charter of the City of Alameda and to be voted on by said qualified electors at a special municipal charter amendment election by said Resolution called for said purpose in said City on the 8th day of March, 1955, and consolidated with the general municipal Election to be held in said City on said 8th day of March, 1955.

That said proposals 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 Alameda on the 25th day of January, 1955, in the ALAMEDA TIMES-STAR, a newspaper of general circulation published daily except Sunday in the said City of Alameda and the official newspaper of said City, and in each edition thereof during said day of publication.

That said Council caused copies of said proposals 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, beginning on January 27, 1955, advertised in said ALAMEDA TIMES-STAR daily, except Sunday, up to and including the day fixed for said election, a notice that copies of said proposals could be had on application therefor at the office of the City Clerk of said City and that printed copies of said proposals were on hand and could be had on application therefor at said office of said City Clerk from January 27, 1955, up to and including the day fixed for said election.

That said general municipal election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 8th day of March, 1955, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposals in said ALAMEDA TIMES-STAR.

That the Council of said City of Alameda did, in the manner provided by law, duly and regularly canvass all ballots cast at said general municipal election and said special municipal

charter amendment election consolidated therewith as aforesaid, and did, by resolution duly adopted on March 15, 1955, duly find and declare that a majority of the qualified voters voting on each of said proposals voted in favor thereof and that both of said proposals to amend the Charter of said City were ratified.

That a majority of the qualified voters voting on each of said proposals voted in favor of the ratification of and did ratify said proposals to amend said charter of said City.

That said charter amendments so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election are in the words and figures following, to wit:

Proposal No. 1 amended Section 2-5 of Article II of the Charter of the City of Alameda to read as follows:

Qualifications for elective offices

"Sec. 2-5. No person shall be qualified to be elected or appointed to any of the elective offices hereinabove set forth unless he shall have been an elector of the City of Alameda for a period of five years continuously next preceding his election. Every officer of the City referred to in Section 2-12 of this Charter shall be a resident of the City during his tenure of office. Employees of the City, other than such officers, shall reside within the City or within fifteen miles of the City limits thereof."

Proposal No. 2 adding Article XXIV, comprising Sections 24-1 to 24-13, both inclusive, to the Charter of the City of Alameda to read as follows:

ARTICLE XXIV
"OFF-STREET VEHICULAR PARKING

Off-street vehicular parking Definitions

Sec. 24-1. Definitions. The following terms whenever used or referred to in this Article, or in any resolution of issue, shall have the following meanings, respectively, unless a different meaning appears from the context.

(a) Bonds. The term "bonds" or "revenue bonds" means the written evidence of any obligation issued by the City, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this Article, in order to obtain funds with which to carry out any of the purposes of this Article, irrespective of the form of such obligation.

(b) Project. The term "project" means any one or more off-street vehicular parking facilities referred to in Section 24-2 and designated by the City as a project in a resolution of issue.

(c) Existing Off-Street Parking Facilities. The term "existing off-street parking facilities" means and includes any off-street vehicular parking facilities now or hereafter owned by the City and operated or controlled by the City at the time of adoption of a resolution of issue and not theretofore designated by the City as a project in a resolution of issue and not ac-

quired, constructed, established, improved, extended, maintained or operated, in whole or in part, from the proceeds of sale of any revenue bonds.

(d) Revenues. The term "revenues" means and includes any and all rates, fees and other charges received or receivable in connection with, and any and all income and receipts of whatever kind and character derived by the City from, the operation of a project, or arising from a project, including any such revenues as may have been or may be impounded or deposited in any fund created for the security or further protection of revenue bonds or for the purpose of providing for the payment of the principal thereof or the interest thereon. The term "revenues" also includes net revenues from on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City and net revenues of any existing off-street parking facilities to the extent that the same shall be pledged or otherwise made available for the payment of operation and maintenance costs of any project or as security or further protection for bonds by a resolution of issue.

(e) Net Revenues. The term "net revenues" when used with reference to on-street parking meters within the City means and includes seventy-five per cent (75%) of the gross revenues collected by the City during any fiscal year from the establishment and operation of such on-street parking meters. The term "net revenues" when used with reference to any existing off-street parking facilities means and includes the gross revenues collected by the City during any fiscal year from the establishment and operation of such existing off-street parking facilities after deducting therefrom the actual necessary expenses of maintaining and operating such facilities, calculated on sound accounting principles, but without any allowance for depreciation or obsolescence.

(f) Resolution of Issue. The term "resolution of issue" means any agreement entered into by the Council, including any resolution adopted by the Council, pursuant to which revenue bonds are issued; and includes any agreement entered into or resolution adopted by the Council amending, modifying or supplementing a resolution of issue irrespective of the form thereof.

Acquisition, etc., of facilities

Sec. 24-2. General. The City, in addition to all other powers elsewhere enumerated in this Charter or granted to it by the Constitution or laws of the State of California, shall have power to acquire (whether by purchase, lease, eminent domain, or otherwise), construct, establish, improve, extend, maintain, operate, administer, lease and sublease off-street vehicular parking facilities and places within the City, including any and all public parking lots, garages or other automotive parking facilities, in order to relieve traffic congestion and promote the welfare of the citizens and inhabitants of the City, and, for the payment of the cost thereof, to issue bonds payable from the revenues of any such off-street vehicular parking

facilities and from other revenues, all as hereinafter provided in this Article.

Powers

Sec. 24-3. Grant of Power. Without limiting the generality of Section 24-2, the Council of the City for any of the purposes of this Article shall have the powers set forth in this section, as follows:

(a) Acquisition and Disposition of Property. To acquire, by grant, purchase, gift, devise, lease or by the exercise of right of eminent domain, and to hold, use, sell, lease, sublease or dispose of any real or personal property or any interest in any thereof, including rights-of-way, necessary or appropriate for the full exercise, or convenient or useful for the carrying on, of any of its powers pursuant to this Article;

(b) Acquisitions for Project Ingress and Egress. To acquire, by any of the means specified in the foregoing clause (a), any lands, property or rights-of-way necessary or convenient for the opening, widening, straightening and extending of streets or alleys necessary or convenient for ingress to or egress from any project;

(c) Improvements. To improve any lands so acquired by the construction thereon of garages or other buildings or improvements necessary or convenient for any project;

(d) Control of Project. To construct, establish, improve, extend, maintain, operate, administer, lease and sublease any project;

(e) Rates, Fees and Charges. To fix rates, fees or charges for the use of the facilities provided by any project, or for any services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the City with respect to the fixing of such rates, fees or charges; and, by a resolution of issue or otherwise, to enter into covenants to increase rates, fees or charges from time to time; provided, however, that any person shall be permitted to use or operate any facilities provided by any project only upon payment of the regularly established charge therefor, except as may be otherwise specifically provided in a resolution of issue. All rates, fees and charges shall be paid only in such coin or currency as on the date of payment is legal tender for public and private debts, or in scrip or tokens issued only upon payment of the face value thereof in such coin or currency;

(f) Issuance of Revenue Bonds. At any time and from time to time to issue revenue bonds in order to raise funds for the purpose of establishing any project or of acquiring lands for any project or of acquiring, constructing, completing, improving, extending, maintaining, operating or administering any project, or of refinancing any project, or for any combination of such purposes, which bonds may be secured as hereinafter provided;

(g) Contracts and Leases. To make contracts, leases, subleases and agreements relative to the acquisition, operation or maintenance of any project or any part of any project with

any person or public corporation, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency of any thereof, subject to any contractual obligation which may be entered into by the City with respect to the issuance of bonds;

(h) Leases of Space for Commercial Purposes. To lease for commercial purposes space in any project which in the opinion of the Council is not and will not during the term of such lease be required for off-street vehicular parking facilities, provided that the aggregate of all such space so leased at any one time in any project shall not exceed twenty per cent (20%) of the surface area of such project and that the term of any such lease shall not exceed a period of five (5) years from its date;

(i) Rules and Regulations. To adopt such rules and regulations as may be necessary regarding the operation and maintenance of any project and to enable the City to exercise the powers and perform the duties conferred or imposed by this Article; and

(j) Miscellaneous. To do any and all acts or things necessary or appropriate to carry out the purposes of this Article and the provisions, covenants and agreements contained in any resolution of issue adopted pursuant to the authority conferred by this Article; provided that nothing in this Section or elsewhere in this Article contained shall be construed directly or by implication to be in any way in derogation or in limitation of any powers conferred upon or existing in the City by virtue of the provisions of the Constitution or laws of the State of California or any other provision of this Charter.

Pledge, etc., of parking meter revenues

Sec. 24-4. Pledge of Net Parking Meter Revenues. In addition to all other powers elsewhere enumerated in this Article, the Council shall have power to pledge, place a charge upon, or otherwise make available and authorize payment of all or any part of the net revenues collected by the City from the establishment and operation of (a) on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City, and (b) existing off-street parking facilities, for such periods of years as shall be determined by the Council, for the payment of operation and maintenance costs of any one or more projects authorized by this Article or as security or further protection for the payment of principal of and interest on bonds issued pursuant to this Article.

Bond issues

Sec. 24-5. Issues of Bonds; Series and Divisions. The Council may provide for one or several issues of bonds and may issue bonds in series, or may divide any issue into one or more series or divisions and fix different maturities or dates for each series or division, different rates of interest, or 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 Council by a resolution of issue at the time of or prior to the issue thereof.

Revenue bonds

Sec. 24-6. Authorization of Revenue Bonds. Each issue of revenue bonds shall be authorized by the Council by a resolution of issue adopted by affirmative votes of at least four-fifths (4/5ths) of the members of the Council at a duly assembled meeting. Resolutions of issue shall provide for the aggregate principal amount, date or dates, maturities, interest rates, denominations and form, and may provide for the registration, transfer and interchange, of any revenue bonds and coupons issued pursuant to this Article; and shall prescribe the purpose or purposes for which said bonds are to be issued and the terms and conditions on which said bonds are to be executed, issued, secured, sold and paid, and, if desired, the terms and conditions on which said bonds may be redeemed prior to maturity or refunded.

Maturity, interest, etc

Sec. 24-7. Provisions Relating to Bonds. The following provisions shall govern and apply to (1) all revenue bonds issued pursuant to this Article and (2) each resolution of issue relating to the bonds thereby authorized:

(a) Date of Bonds. Bonds shall bear dates prescribed by the resolution of issue.

(b) Maturity. Bonds may be serial bonds or sinking fund bonds with such maturities as shall be provided in the resolution of issue No bond by its terms shall mature in more than forty (40) 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 of each such series or division 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.

(c) Interest. Bonds shall bear interest at a rate of not to exceed six (6) per cent per annum, payable annually or semi-annually, or in part annually and in part semi-annually.

(d) Coupon or Registered Bonds. Bonds may be issued as coupon bonds or as registered bonds. A resolution of issue 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 resolution of issue shall prescribe.

(e) Redemption. Bonds may be callable upon such terms and conditions and upon such notice as the resolution of issue shall prescribe and upon payment of such premium (not exceeding six per cent (6%) of the par value of such bonds) as may be fixed in the resolution of issue. 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 the face of the bond.

(f) Source of Payment. All revenue bonds shall be payable exclusively from revenues.

(g) Reference on Bonds to Resolution of Issue. Reference on the face of a revenue bond to the resolution of issue by its date of adoption is sufficient to incorporate all of the provisions thereof and of this Article into the body of said revenue bond and its appurtenant coupons. Each taker and subsequent holder of a revenue bond or coupons, whether such coupons are attached to or detached from said revenue bond, shall have recourse to all of the provisions of the resolution of issue and of this Article and shall be bound thereby.

(h) Recital in Bonds. All revenue bonds shall contain a recital on their face that neither the payment of principal of nor of interest on such bonds constitutes a debt, liability or obligation of the City, except as provided in this Article.

(i) Place and Manner of Payment. The principal of and interest on bonds may be paid at any one or more places within or without the State of California and in any specified coin or currency of the United States of America, as may be provided in the resolution of issue.

(j) Execution and Authentication of Bonds; Validity of Signatures and Countersignatures. Bonds may be executed in the name and on behalf of the City and under its seal and authenticated by the manual, lithographed or printed facsimile signature of any officer or officers of the City and may also be authenticated by a trustee or fiscal agent appointed by the Council, and the seal of the City may be affixed to the bonds by printed, lithographed or other reproduction thereof, all as may be provided in the resolution of issue. If any of the officers whose signatures or countersignatures appear on the bonds cease to be officers before the delivery of the bonds or coupons to the purchasers thereof, their signatures or countersignatures shall nevertheless be valid and of the same force and effect as if such officers had remained in office until the delivery of the bonds and coupons.

(k) Issuance of Temporary Bonds Pending the actual issuance or delivery of definitive bonds, the Council may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, and with such provisions as the Council shall determine, to be exchanged for definitive bonds when ready for delivery. In the absence of an express recital on its face that a temporary bond or interim receipt is non-negotiable, such bond or interim receipt is a negotiable instrument.

(*l*) Replacement of Lost, Destroyed, Mutilated or Stolen Bonds. Lost, destroyed, mutilated or stolen bonds or coupons may be replaced as provided in the resolution of issue.

(m) Security. All revenue bonds shall be secured by an exclusive pledge and charge upon all or a portion of (a) the gross revenues of the project for the acquisition, construction and completion of which said bonds are issued or authorized to be issued, (b) revenues from on-street parking meters,

and (c) revenues of any existing off-street parking facilities, all as provided for in the resolution of issue. Gross revenues of a project include improvements and extensions of such project later constructed or acquired. The pledged portion of the gross revenues of the project and all pledged on-street parking meter revenues and pledged revenues of existing off-street parking facilities and all interest earned on all pledged revenues shall constitute a trust fund for the security and payment of the principal of and interest on the bonds and so long as any bonds or interest thereon are unpaid said revenues and interest shall not be used for any other purpose; provided, however, that a resolution of issue may provide that if the principal of and interest on the bonds and all charges to protect and secure them are paid when due, amounts for the maintenance and operation costs of the project and any and all other costs and expenses relative to the project or to the bonds and amounts for any other lawful purpose or purposes of the City may be apportioned from said revenues and interest, but only to the extent specified in the resolution of issue.

(n) Bonds of same Issue to be Equally Secured. Bonds of the same issue shall be equally secured by a pledge and charge upon revenues, without priority for number, date of bonds, of sale, of execution, or of delivery; except that if the Council authorizes the issuances of bonds of different series it may provide that the bonds of any series shall, to the extent and in the manner prescribed in the resolution of issue, be subordinated and be junior in standing with respect to the payment of principal and interest and the security thereof to such other bonds as may be specified in the resolution of issue.

(o) Refunding Bonds. The Council may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming, retiring or refunding any revenue bonds issued under this Article, subject to any limitations contained in the resolution of issue pursuant to which such revenue bonds are issued. All provisions of this Article applicable to the issuance of revenue bonds shall be applicable to the refunding bonds and to the issuance, sale or exchange thereof. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be 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 refunding bonds. Such expenses may include 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, any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof 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 call thereof or agreement with the holders thereof, and also the premium, if any, necessary to be paid in order to call and retire the

outstanding bonds and the interest accruing thereon to the date of call or retirement.

(p) Validity of Bonds not Affected by Actions of City Relative to Project. The validity of the authorization and issuance of any revenue bonds by the Council shall not be dependent on or affected in any way by:

(i) Proceedings taken by the City for the acquisition, construction, or completion of any project or any part thereof;

(ii) Any contracts made in connection with the acquisition, construction or completion of any project; or

(iii) The failure to complete any project for which bonds are authorized to be issued

Sale of bonds

Sec. 24-8. Sale of Bonds. Before selling any bonds the Council shall give notice inviting sealed bids in such manner as the Council 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 Council determines that the bids received are not satisfactory the Council may reject all bids received, if any, and either readvertise or sell the bonds at private sale. The Council may sell bonds at a price below the par or face value thereof, provided that the maximum net interest cost (computed on a 360-day year basis) on bonds sold below par or face value shall not exceed an average of six per cent (6%) per annum, payable semi-annually, to the respective maturity dates of said bonds.

Expenses and proceeds of bond sale

Sec. 24-9. Payment of Incidental Expenses and Interest and Creation of Funds from Proceeds of Sale of Bonds. All costs and expenses incidental to the issuance and sale of bonds, including (without limiting the generality of the foregoing) the cost of preparation of the bonds and coupons, the cost of all surveys, of preparation of plans and specifications, of all architectural, engineering, inspection, legal, financial and economic consultant's, trustee's and fiscal agent's fees, the creation of a bond reserve fund, the creation of a working capital fund, and bond interest estimated to accrue during the period of acquisition or construction of a project and for a period of not to exceed six (6) months thereafter, all as provided for in the resolution of issue, may be paid out of the proceeds of sale of the bonds.

Resolution of issue Applicable provisions

Sec. 24-10. Provisions Relating to Resolutions of Issue. The following provisions shall govern and apply to each resolution of issue adopted by the Council:

(a) Construction Fund; Investment. A resolution of issue may provide that the proceeds of sale of all revenue bonds authorized thereby shall either be deposited in a fund separate and apart from all other funds of the City or paid direct to any bank or trust company designated by the Council as the fiscal agent of the City, and that said proceeds shall be held by the City or such fiscal agent in a separate account to be designated the "Construction Fund" and be disbursed in the manner and upon the conditions provided in the resolution of issue for the object and purpose of the acquisition, construc-

tion and completion of the project therein designated, including the payment of all incidental expenses and interest and the creation of funds as provided for in Section 24-9 of this Article. Moneys in any construction fund may be invested as the Council in its sole discretion shall determine, subject only to such limitations as may be provided in the resolution of issue. A resolution of issue may provide that any moneys in a construction fund remaining unexpended after said object and purpose shall have been completed shall be applied to the payment of the principal of and interest on said bonds, and that none of said moneys shall be transferred to any other fund of the City or used for any purpose other than as specified in the resolution of issue.

(b) Continuous Operation of Project; Repairs, Renewals and Replacements. A resolution of issue may provide that, so long as any bonds thereby authorized shall be outstanding, the City shall operate the project designated in the resolution of issue continuously and in an efficient and economical manner and in good working order and condition and shall make all necessary repairs, improvements and replacements.

(c) Rates, Fees and Other Charges. A resolution of issue may provide that the Council will prescribe, revise and collect rates, fees and charges (i) for use of the facilities provided by the project acquired, constructed or completed from the proceeds of sale of the bonds issued pursuant to such resolution of issue, (ii) for any services rendered in connection with such project, and (iii) for use of any on-street parking meters and existing off-street parking facilities any revenues from which are pledged to secure the bonds. A resolution of issue may provide that such rates, fees and charges shall at all times be sufficient to yield revenues from the project and net revenues from such on-street parking meters and existing off-street parking facilities equal to all redemption payments and interest charges on said bonds as the same fall due, together with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the security or further protection of said bonds, or as a depreciation charge or other charge in connection with such project. A resolution of issue may provide that such rates, fees and charges shall not be reduced below an amount sufficient to provide funds to meet all obligations specified in the resolution of issue.

(d) Holding and Application of Revenues. A resolution of issue may require the City to hold or cause to be held in trust the revenues pledged to the payment of the principal of and interest on the bonds issued pursuant to said resolution of issue, or to any reserve or other fund created for the security or further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the resolution of issue.

(e) Preservation and Protection of Security of Bonds. A resolution of issue may require the City to preserve and protect the security of the bonds issued thereunder and the rights

of the holders thereof and to warrant and defend such rights. A resolution of issue may require the City 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 revenues, or which might impair the security of any bonds issued for the acquisition, construction or completion of any project. A resolution of issue may limit, restrict or prohibit, except upon such terms and conditions as may be provided therein, any right, power or privilege of the City to mortgage or otherwise encumber, or to sell, lease or dispose of a project or to enter into any lease or agreement which impairs or impedes the operation of a project or of any part thereof necessary to provide adequate revenues, or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

(f) Proceeds of Project Taken by Eminent Domain. A resolution of issue may provide that if any part of a project shall be taken by eminent domain or other proceeding authorized by law, the proceeds to the City therefrom shall be applied to the replacement of such project or to the payment and retirement of the bonds issued pursuant to such resolution of issue, or as otherwise set forth in said resolution of issue.

(g) Insurance A resolution of issue may specify or limit the kinds and amounts of insurance to be maintained by the City on a project, or any part thereof (including insurance of any project against loss of revenues from any cause whatsoever, against public liability or property damage and against loss by fire or any other hazard, as may be provided in any resolution of issue), and may provide for the payment of the premiums thereon, and may specify the use and disposition of proceeds of any such insurance thereafter collected.

(h) Books, Records and Accounts. A resolution of issue may provide:

(i) that the City will keep accurate books and records of account showing all revenues received from the operation of any project and all expenditures thereof, and all revenues from on-street parking meters and existing off-street parking facilities pledged or otherwise made available as security or as further protection for the bonds issued pursuant to said resolution of issue;

(ii) that all such books and records shall be open at all times during business hours to the inspection of the holders of one or more of the bonds or of any specified percentage of such holders or their duly authorized representatives;

(iii) that annual or other periodic statements of the condition of such project and of all of said other revenues will be furnished to the holders of the bonds;

(iv) that summaries of all such statements will be published at least annually in the official newspaper of the City; and

(v) that the books and records of the City pertaining to the operation of any project and to all of said other revenues shall be audited by independent public accountants in such

manner and under such circumstances as may be set forth in said resolution of issue.

(i) Trustee; Fiscal Agents; Paying Agents. A resolution of issue may designate a bank or trust company, qualified to do business in the State of California, as a trustee or fiscal agent for the City and holders of bonds issued under said resolution of issue, and may authorize any such 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. A resolution of issue may authorize the City to designate any bank or trust company in any city in which any bonds are made payable as the City's paying agent in such city. A resolution of issue may fix and determine the conditions upon which any trustee, fiscal agent or paying agent shall receive, hold or disburse any or all revenues deposited with it by or by authority of the City. A resolution of issue may prescribe the duties and powers, if any, of any such trustee, fiscal agent or paying agent with respect to the issuance, authentication, sale and delivery of the bonds, the payment of the principal thereof and interest thereon, the redemption thereof, the registration and discharge from registration of bonds and the management of any funds provided for in the resolution of issue as security for the bonds.

(j) Competitive Projects. A resolution of issue may contain a covenant that the City shall not, while any revenue bonds authorized by this Article are issued or outstanding, acquire, construct, complete or maintain within the City or permit any person to maintain on any City-owned property within the City any off-street vehicular parking facilities or places, excepting those therein described, which compete in any way with any project or which are similar to any off-street vehicular parking facilities or places maintained or operated by the City through the issuance of revenue bonds pursuant to this Article. A resolution of issue may except from the covenant authorized to be made by this section any and all off-street vehicular parking facilities then or thereafter maintained by the City.

(k) Limitation on Additional Indebtedness. A resolution of issue may limit or restrict the incurring of additional indebtedness payable in whole or in part from the revenues charged with payment of the bonds issued pursuant to such resolution of issue.

(*l*) Events of Default. A resolution of issue may designate the rights, limitations, powers and duties arising upon breach by the City of any of the covenants, conditions or obligations therein contained, and may provide the terms and conditions upon which all bonds issued thereunder may be declared or become due and payable prior to maturity and the terms and conditions upon which such declaration and its consequences may be waived.

(m) Amendment or Modification of Resolution of Issue. A resolution of issue may prescribe a procedure by which its terms and conditions may be subsequently amended or modified with the consent of the City and the vote or written assent of the holders of a specified principal amount or proportion of the bonds issued and outstanding, including provision for meetings with bondholders and the manner in which the consents of the bondholders may be given. A resolution of issue may set forth a specific statement of the effect of each such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto A resolution of issue may contain a provision that bonds held by the City or by the State of California or any public corporation, political subdivision, city, county, district or any agency of any thereof, shall not be counted as outstanding bonds or be entitled to vote or consent, but shall nevertheless be subject, to any such amendment or modification.

(n) Use of Surplus. After all of the revenue bonds issued pursuant to a resolution of issue shall have been fully paid or discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in any construction fund or other fund provided for the security or further protection of the bonds shall, subject to the limitations and restrictions in said resolution of issue, become and be the property of the City and be used by the City for any lawful purpose.

(o) Additional Covenants and Agreements. A resolution of issue may provide for such other acts and matters and may include any and all such additional covenants and agreements on the part of the City as the Council shall deem necessary or advisable.

Rights of bondholders

Sec. 24-11. Rights of Bondholders. Except as provided otherwise in any resolution of issue, the holder of any bond issued pursuant to this Article may by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the City or any official or employee of the City or assumed by any thereof in connection with the acquisition, construction, completion, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of rates, fees and charges derived from the operation and use of any project and all other revenues, or in connection with the deposit, investment or disbursement of the proceeds received from the sale of the bonds under this Article. 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 Article.

Effect of article

Sec. 24-12. Article Confers Complete Authority; Provisions of Article Alternative. The provisions of this Article constitute full and complete authority for the issuance of revenue bonds as herein provided by the Council and no other procedure, or proceedings, consents, approvals, orders or per-

mission from any municipal officer or board of the City shall be required for the acquisition, construction or completion of any project, or the issuance of any revenue bonds under this Article, except as specifically provided in this Article. The powers and authorities conferred by this Article are in addition to and supplemental to all other powers and authorities conferred upon the City. The method provided in this Article for the acquisition, construction and completion of projects and the issuance of revenue bonds shall be deemed an additional method for acquiring, constructing and completing such projects and providing funds therefor; provided that the City may, in its discretion, acquire any properties for off-street vehicular parking facilities and issue general obligation bonds of the City therefor, subject, however, to the condition that the City shall not, while any revenue bonds authorized by this Article are issued and outstanding, acquire, construct or complete any off-street parking facilities, other than those specifically described in a resolution of issue pursuant to the provisions of paragraph (j) of Section 24-10 of this Article, which compete with any project operated or maintained through the issuance of revenue bonds by the Council.

Determination of bonded indebtedness

Sec. 24-13. Revenue Bonds Excluded from Bonded Indebtedness of City. Revenue bonds issued under this Article shall not be taken into consideration in determining the bonded indebtedness which the City is authorized to incur and shall be excluded from any limitation provided by this Charter or by law on the amount of bonded indebtedness of the City."

And we and each of us further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of Alameda 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 of said amendments.

The foregoing proposed and ratified amendments to the charter of the City of Alameda are hereby 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. As to both 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 seal of the City of Alameda to be affixed hereto this 17th day of March, 1955.

S. CHESLEY ANDERSON
(SEAL) Mayor of the City of Alameda
SHIRLEY H. TENNIER
City Clerk of the City of Alameda

and

WHEREAS, Said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval 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 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 Alameda, 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 alteration or amendment, for and as amendments to and as part of the charter of said City of Alameda.

CHAPTER 97

Senate Concurrent Resolution No. 18—Relative to the observance of Flag Day.

[Filed with Secretary of State, March 29, 1955.]

WHEREAS, The first Flag of our United States was raised by George Washington at Cambridge, Massachusetts, on January 2, 1776; and

WHEREAS, The general form of our present Flag was first delineated by Congress in 1777, and later revised in 1818 to provide for the starred field and 13 stripes which we now cherish; and

WHEREAS, Our revered national emblem symbolizes the most enduring form of freedom under a republic the world has ever known, based on our unique Constitution which recognizes each citizen has the sovereign right to participate in determining who shall be chosen as our official leaders, the right to life, the right to liberty, the right to freedom of speech, the right of assembly, the right of choice of his own religion, and many other dignified prerogatives, including the right to own and enjoy property and to make himself and his family secure; and

WHEREAS, Our Flag, known on land and sea as "Old Glory," has been a messenger of good will for our Constitution which is the greatest peace document ever produced by man, and has released the energies of our people to achieve the world's highest standard of living in physical comfort and cultural enjoyment and the most universal distribution thereof among a people, all under the protection of our beautiful national emblem; 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 thoughtful allegiance to the Flag and the principles for which it stands be given.

CHAPTER 98

Assembly Concurrent Resolution No. 76—Relative to approving amendments to the charter of the City of Newport Beach, a municipal corporation in the County of Orange, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the fifteenth day of March, 1955.

[Filed with Secretary of State, April 1, 1955]

City of Newport Beach' Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the City of Newport Beach, a municipal corporation in the County of Orange, 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 ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF NEWPORT BEACH AT A GENERAL MUNICIPAL ELECTION HELD ON THE 15TH DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND FIFTY-FIVE, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF NEWPORT BEACH, STATE OF CALIFORNIA

STATE OF CALIFORNIA }
COUNTY OF ORANGE } ss
CITY OF NEWPORT BEACH }

Certificate

We, Dora O. Hill, Mayor of the City of Newport Beach, and C. K. Priest, City Clerk of the City of Newport Beach do hereby certify as follows:

That said City of Newport Beach, in the County of Orange, State of California, is now and was at all 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 Newport Beach is now and was at all 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 municipal election held therein on the 8th day of June, 1954, and approved by the Legislature of the State of California on the 7th day of January, 1955; 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 Newport Beach certain amendments to the Charter of said

City; and ordered that said amendments be submitted to said electors of said City at a general municipal election to be held in said City on the 15th day of March, 1955; and

That said proposed amendments were, on the 20th day of January, 1955, duly published in the "Newport Harbor Ensign", a newspaper of general circulation, published in the City of Newport Beach, and the official newspaper designated by said City Council for that purpose, and in each edition thereof;

That said City Council did by Resolution designated as Resolution No. 4294, which was duly adopted on the 10th day of January, 1955, call for an give notice of a general municipal election in the City of Newport Beach on the 15th day of March, 1955, 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 Newport Beach, as aforesaid; and

That said general municipal election was held in the said City on said 15th day of March, 1955, which date was more than forty (40) days and less than sixty (60) days after said proposed amendments to said Charter had been published in said "Newport Harbor Ensign", as aforesaid; and

That at said general municipal election held as aforesaid, on said 15th day of March, 1955, a majority of the voters voted in favor of both of said proposed amendments, as hereinafter set forth, to the Charter of the City of Newport Beach and duly ratified the same; and

That the City Council of the City of Newport Beach, after duly canvassing the returns of said general 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 Newport Beach, which amendments are in words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT NO. 1

Section 702 of the Charter be amended to read as follows:

Appointment of board or commission members

"Section 702. Appointments, Terms. The members of each of such boards or commissions shall 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. They shall be subject to removal by motion of the City 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 the term of one of each of their number shall expire each succeeding July first. Where the total number of the members of a board or commission to be appointed exceeds four, the classification by lot

shall provide for the pairing of terms to such an extent as is necessary in order that the terms of at least one and not more than three shall expire in each succeeding year. Thereafter, any appointment to fill an unexpired term shall be for such unexpired period."

PROPOSED CHARTER AMENDMENT NO. 2

Section 706 of the Charter be amended to read as follows:

"Section 706. Planning Commission. Members. There shall be a Planning Commission consisting of nine members. The City Engineer and City Attorney, or their assistants, shall meet with and participate in the discussions of the Planning Commission but shall not have a vote." Planning commission members

That the foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Newport Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Newport Beach.

IN WITNESS WHEREOF, Dora O. Hill, Mayor, as aforesaid, and C. K. Priest, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Newport Beach to be thereunto duly affixed, on the 22nd day of March, 1955.

(SEAL)

DORA O. HILL
Mayor of the City of Newport Beach

C. K. PRIEST
City Clerk of the City of Newport Beach.

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 Newport 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 Newport Beach. Approval

CHAPTER 99

Assembly Concurrent Resolution No. 79—Approving amendment to the charter of the City of Burbank, State of California, ratified by the electors of said city at a special election consolidated with the primary nominating election held in said city on the twenty-third day of February, 1955.

[Filed with Secretary of State, April 1, 1955.]

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
CITY OF BURBANK

Certificate

We, the undersigned, Earle C. Blais, President of the Council of the City of Burbank, and Naomi G. Putnam, 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 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. 1379, adopted on the 11th day of January, 1955, duly proposed to the qualified electors of the City of Burbank an amendment to the charter of said city, designated as Charter Amendment No. 1, and ordered the said charter amendment to be submitted to the qualified electors of said city at a Special Election consolidated with the Primary Nominating Election to be held in said city on the 23rd day of February, 1955.

That said proposed charter amendment was, on January 13, 1955, being not less than forty (40) nor more than sixty (60) days before said election, published in the Burbank Daily 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 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 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 the said Council did by said Ordinance No. 1379, which was duly adopted on January 11, 1955, order the holding of a Special Election consolidated with the Primary Nominating Election in the City of Burbank, on the 23rd day of February, 1955, for the purpose of submitting said proposed charter amendment to a vote of the qualified electors of said city, which said date of election was not less than forty (40) days and not more than sixty (60) days after the completion of the publication of said proposed charter amendment, as aforesaid; and that said City Clerk of the City of Burbank did, on January 17, 1955 and January 18, 1955, publish in said newspaper a Notice of said Election, according to law, and did on January 25, 1955 and February 1, 1955, publish in said newspaper Notice of Measures to be voted on, according to law.

The said Special Election consolidated with the Primary Nominating Election was held in said City of Burbank on the 23rd day of February, 1955, which day was not less than forty (40) days and not more than sixty (60) days after the completion of the publication of said proposed charter amendment, as aforesaid, and said proposed charter amendment was 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 10,111 adopted on the 8th day of March, 1955, duly declare the result of said Special Election consolidated with the Primary Nominating Election as determined from the canvass of the returns thereof.

That, as found, determined, and declared by said Resolution No. 10,111, at said 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 43 of the Charter of the City of Burbank is amended to read as follows:

Bond election: Two-thirds vote required

"Section 43. The incurring of any bonded indebtedness of the City shall require the votes of two-thirds of the voters voting at a special election to be held for that purpose; provided, however, that when two or more propositions for incurring any bonded indebtedness are submitted at the same election the votes cast for and against each proposition shall be counted separately and when two-thirds of the voters voting on any one of such propositions vote in favor thereof such proposition shall be deemed adopted. Such special election may be consolidated with any municipal, county, State or other election.

"Before or at the time of incurring such bonded indebtedness provision shall be made as required by the Constitution of the State of California for the collection of an annual tax sufficient to pay the interest on such bonded indebtedness as it falls due and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The Council may at any time use, for the payment of principal or interest of such bonds, revenues derived from sales or use taxes or any other revenues or income of the city not allocated to, set aside for or required to be used for a specific purpose or constituting a special or trust fund.

"The provisions of this section shall not apply to revenue bonds issued pursuant to the provisions of the laws of the State of California and payable solely from the revenues of an enterprise owned or to be owned by the city, and nothing in this section shall authorize the use of any revenues of any revenue producing enterprise of the city in any manner or for any purpose contrary to a covenant or agreement contained in any ordinance, resolution or other proceeding (whether taken or adopted before or subsequent to the adoption of this section) authorizing the issuance of revenue bonds payable from the revenues of such enterprise."

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 said Special Election consolidated with the Primary Nominating Election held therein on the 23rd day of February, 1955, has been compared by us and each of us, with the original proposal set forth in the said Ordinance No. 1397 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 on this 24th day of March, 1955.

EARLE C. BLAIS
(SEAL) President of the Council of the City of Burbank
NAOMI G. PUTNAM
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

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, 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 100

Assembly Concurrent Resolution No. 70—Relative to congratulating Phil Woolpert on his selection as coach of the year.

[Filed with Secretary of State, April 1, 1955]

WHEREAS, Phil Woolpert, who developed a gang of kids from the "backyard" of the University of San Francisco into the Nation's No. 1 college basketball team, and led them into the finals of the N. C. A. A. Basketball Tournament where they competed against the powerful basketball team of the University of La Salle which they defeated by the score of 77-63 and became the national champions, and for such leadership as the coach of the University of San Francisco basketball team, was chosen United Press "coach of the year" for the 1954-1955 season; and

WHEREAS, The San Francisco coach was such an overwhelming choice for the honor that his runner-up, Adolph Rupp of Kentucky, received only 28 votes, as compared to the 140 for Woolpert; and

WHEREAS, Under the skillful guidance and natural leadership of this great coach the Dons swept through their regular season play with 21 victories and only one loss, winning their own conference championship without defeat as well as the

All-College Tournament held in Oklahoma City earlier this season; and

WHEREAS, Woolpert, a master of teaching strong defense and sound ball handling, instilled into his team not only skill but also the highest degree of sportsmanship and team spirit; and

WHEREAS, In naming Phil Woolpert "coach of the year," the United Press could have chosen no finer or more worthy individual for the honor than this quiet-spoken, hard-working molder of men; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members of the Legislature hereby extend to Phil Woolpert, coach of the University of San Francisco basketball team, their heartfelt congratulations upon his recent selection as "coach of the year" and wish him the best of good fortune in his coaching career; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Phil Woolpert, coach of the University of San Francisco basketball team.

CHAPTER 101

Senate Concurrent Resolution No. 48—Relative to the death of William H. Park.

[Filed with Secretary of State, April 4, 1955.]

WHEREAS, The Members of the Senate and of the Assembly have received with deepest regret news of the untimely passing in Oakland on March 28, 1955, of William H. Park, civic leader and manager of the Pacific Gas and Electric Company in Alameda and Contra Costa Counties; and

WHEREAS, He was a native of Modesto, graduating in 1923 from Modesto Junior College, and received his degree from the University of California's College of Mechanics in 1928, where he also was a pitcher on the collegiate baseball team; and

WHEREAS, In 1920, during his undergraduate days, he joined the public utility firm, was designated head of the Berkeley office in 1939, and in 1945 was appointed to the managership of Alameda and Contra Costa Counties; and

WHEREAS, His proudest achievement, during his division managership, was the erection and opening last October of the new mammoth steam plant at Pittsburg, California, the largest steam-electric operation west of the Mississippi River; and

WHEREAS, He was president of the Oakland Rotary Club, a vice chairman of the Bay Area Council, a director of the Oakland Red Cross, a founder and first president of the Oakland Trade Club, the campaign chairman of the 1954 East Bay United Crusade fund drive, and also was a member of the

Athens Athletic Club, the Athenian-Nile Club, the Aahmes Temple of the Shrine and the Oakland Scottish Rite Bodies; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature express their grief at the death of this outstanding citizen and civic leader and extend to his surviving family their profound sympathy; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a suitably prepared copy of this resolution to Mrs. Olive Park, widow of William H. Park, and to his daughter, Mrs. Claudia Blanco.

CHAPTER 102

Senate Concurrent Resolution No. 46—Relative to the restoration of the Old Columbia Grammar School.

[Filed with Secretary of State, April 7, 1955.]

WHEREAS, In the year 1945 the Legislature passed and the Governor signed into law a bill creating a State Park in Columbia, California, which was named and designated as the Columbia Historic State Park; and

WHEREAS, The ultimate purpose of the creation of the State Park in Columbia was to restore all of the buildings in the community so that future generations would be able to visit and see a California Gold Rush town as it was when the Argonauts were working the creeks and diggings; and

WHEREAS, There is within Columbia Historic State Park, and situated on Cemetery Hill, a two-story brick school house, commonly known as "The Old Columbia Grammar School," which school was constructed in the year 1860, formally dedicated on Thursday, November 1, 1860, and used continuously thereafter until the year 1937; and

WHEREAS, The Old Columbia Grammar School stands as a symbol of early education and of the development of free public schools in California, financed and built by a rough and tumble community of miners, who, while seeking gold, likewise sought truth and knowledge for their children; and

WHEREAS, The California Teachers Association, a nonprofit corporation of the State of California, now proposes to organize and conduct a campaign among the school children of the State of California to raise funds to finance the permanent restoration of the Old Columbia Grammar School, with intent to complete the restoration in time for the One Hundredth Anniversary or Centennial of the school, the funds for such financing to be deposited in the State Treasury and expended for that purpose under the supervision of the State Park Commission; and

WHEREAS, The State Park Commission, at its regular meeting in Sacramento, California on January 26, 1955, by resolution did approve the project of restoring the Old Columbia Grammar School and accept the offer of the California Teachers Association to supervise the collection of funds therefor; and

WHEREAS, The proposed restoration of the Old Columbia Grammar School will provide a permanent monument and shrine to education and the development of free public schools in the State of California; it will provide a depository for, and encourage the collection and preservation of documents relating to the history of California education; it will provide a medium for stimulating and intensifying the interest of California school children in the colorful history of California's Gold Rush Era; and it will provide opportunity for children, now and in the years to come, to witness in perfect detail and realism the typical school of the Gold Rush period; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California approves and commends the project of the California Teachers Association to restore the Old Columbia Grammar School and urges the governing boards of all school districts and county boards of education to cooperate in the project by authorizing and encouraging within the schools of their respective districts and counties the solicitation of funds for the restoration of the Old Columbia Grammar School.

CHAPTER 103

Assembly Concurrent Resolution No. 68—Relative to welcoming members of the Committee on the Armed Forces Education Program to California.

[Filed with Secretary of State, April 8, 1955.]

WHEREAS, Military service is the responsibility of the majority of the young men who are citizens of the United States and the maintenance of a systematic, uninterrupted program of formal education for these men is imperative if the progress of our Nation is to be assured; and

WHEREAS, The United States created the United States Armed Forces Institute to serve the educational needs of persons in military service and the Department of Defense, recognizing its obligation to make the period of military service as educationally valuable as possible, created a committee on the Armed Forces Education Program to assist in making the educational policies for the United States Armed Forces Institute and to give advice concerning all educational matters in the armed forces; and

WHEREAS, This committee composed of seven members of the military, 14 civilian members, and the Director of the United

States Armed Forces Institute, is planning to meet west of the Mississippi for the first time, and has honored California by selecting San Francisco, California, for its meeting place on April 14, 15, and 16, 1955; 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 extend the hospitality of the Golden State to the members of the Committee on the Armed Forces Education Program and commends them for their continuous and constructive efforts on behalf of the youth of the United States; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to the Secretary of Defense of the United States, the Director of the Office of Armed Forces Information and Education, and the Committee on the Armed Forces Education Program.

CHAPTER 104

Assembly Concurrent Resolution No. 71—Relative to congratulating the Honorable Gilbert H. Jertberg.

[Filed with Secretary of State, April 8, 1955]

WHEREAS, The Members of the Legislature of the State of California are sincerely pleased by the nomination, by President Eisenhower, of one of California's most able and distinguished adopted sons, Gilbert H. Jertberg, to the United States District Court for the Southern District of California, to succeed the late Judge Campbell Beaumont; and

WHEREAS, Mr. Jertberg, a native of Springfield, Missouri, received his elementary and high school education in Chino and is a graduate of Stanford and Stanford Law School; and

WHEREAS, One of Fresno's most prominent attorneys, he has during his more than 32 years of practice earned an exceptionally outstanding state-wide reputation; and

WHEREAS, An unusually active civic leader, Mr. Jertberg is a director and regional vice president of the California State Chamber of Commerce. Appointed in 1946, by the then Governor Earl Warren, he was, until a few months ago, a member of the State Board of Education. He has served with distinction as a president of the Fresno Bar Association, a president of the Fresno Community Chest, a member of the board of directors of the Y. M. C. A., and as a member of the advisory board of the Fresno State College; and

WHEREAS, A former president of the Stanford Alumni Association, he is a member of the Elks, the American Legion, Phi Alpha Delta Legal Fraternity, and of Phi Beta Kappa, national scholarship fraternity; and

WHEREAS, The exceptional record of achievement and service compiled by Mr. Jertberg clearly evidences the wisdom of

the President's selection of him to be a Judge of the United States District Court; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the State Legislature of the State of California do hereby express to the Honorable Gilbert H. Jertberg their heartiest congratulations on an honor well earned and their best wishes for continued success in his new position as a Judge of the United States District Court; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and transmit a suitable copy of this resolution to the Honorable Gilbert H. Jertberg.

CHAPTER 105

Assembly Concurrent Resolution No. 72—Relative to the Pacific Coast Intercollegiate Boxing Tournament.

[Filed with Secretary of State, April 8, 1955]

WHEREAS, On March 17, 18 and 19, 1955, the Pacific Coast Intercollegiate Boxing Tournament was held in the Memorial Auditorium, Sacramento, California; and

WHEREAS, More than 50 collegiate boxers representing 11 colleges and universities participated in this tournament; and

WHEREAS, The courage, skill and sportsmanship displayed by the participants in the boxing tournament was a source of inspiration to all who were fortunate enough to attend the tournament; and

WHEREAS, Intercollegiate boxing is unexcelled as a means of fostering self-control, coordination, and courage in the young men of today who will be the leaders of tomorrow; 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 extends its congratulations to all the participants in the Pacific Coast Intercollegiate Boxing Tournament held on March 17, 18 and 19, 1955, at the Memorial Auditorium in Sacramento, California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the athletic departments of the College of Agriculture of the University of California, the California Polytechnic School, Chico State College, Idaho State College, San Jose State College, Santa Clara University, Stanford University, the University of Nevada, the University of California at Berkeley, the University of San Francisco, and Washington State College.

CHAPTER 106

Assembly Concurrent Resolution No. 74—Relative to the observance of Public Schools Week.

[Filed with Secretary of State, April 8, 1955.]

WHEREAS, There has been a rapid growth in the population of California in recent years, and especially in the number of children of school age; and

WHEREAS, This has resulted in a critical situation in our Public Schools System that demands the fullest understanding of the problems involved; and

WHEREAS, It is customary each year to observe Public Schools Week to bring all citizens and our future citizens into closer contact with the public schools of California; and

WHEREAS, The sole purpose of Public Schools Week is to afford this opportunity for the people to see education in action, meet both students and teachers and get acquainted with the needs of our school system and to know at first hand the work being done to prepare our boys and girls for citizenship duties; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature does hereby endorse the purposes of Public Schools Week, and urges our citizens to visit one or more schools during the period of the thirty-sixth annual Public Schools Week, April 25th-30th, that there may be a wider and better understanding of our schools and their work.

CHAPTER 107

Assembly Constitutional Amendment No. 3—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 the tax exemption of church property.

[Filed with Secretary of State, April 11, 1955.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1955 Regular Session commencing on the third day of January, 1955, 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 equipment, 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,

and any building and its equipment in the course of erection, together with the land on which it is located as may be required for the convenient use and occupation of the building, if such building, equipment and land are intended to be used solely and exclusively for religious worship, and, until the Legislature shall otherwise provide by law, that real property owned by the owner of the building which the owner is required by law to make available for, and which is necessarily and reasonably required and exclusively used for the parking of the automobiles of persons while attending or engaged in religious worship in said building whether or not said real property is contiguous to land on which said building is located, and which real property has not been rented or used for any commercial purpose at any other time during the preceding year, shall be free from taxation; provided, that no building so used or, if in the course of erection, intended to be so used, its equipment or the land on which it is located, which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation.

CHAPTER 108

Senate Joint Resolution No. 22—Relative to the storage of surplus wheat in California.

[Filed with Secretary of State April 12, 1955.]

WHEREAS, The United States Government, through the Commodity Credit Corporation, has on its hands a vast quantity of "surplus" wheat which is estimated to exceed two billion bushels, and which is stored in various places; and

WHEREAS, None of this surplus wheat is now stored in California while in the Pacific Northwest area there is now reported to be stored some thirty million bushels of surplus wheat in 140 ships, in addition to that stored in warehouses, and it is proposed to use 105 additional ships in that area for the storage of approximately twenty-five million additional bushels of such wheat; and

WHEREAS, There is available now in the State of California grain warehouse facilities for the storage of approximately ten million bushels of such wheat, and further facilities could be made available if necessary; and

WHEREAS, From an over-all strategic standpoint it would seem that the best interests of the United States would be served by preserving shipping facilities for their intended purpose and by dispersing the storage of its strategic assets, including such surplus wheat, as widely as possible; and

WHEREAS, Irrespective of the ultimate disposition of this surplus wheat its storage within California would be advantageous because if it is to be exported, California has the ports and shipping; if it is to be sold, California has its livestock

industry and other purchasers to buy it; and if it is to be stored indefinitely, California has facilities for such storage; and

WHEREAS, This surplus wheat is the property of the people of the United States as a whole and whatever economic benefits may ensue to labor, trade, and industry from the handling and keeping thereof should be equitably distributed throughout the Nation; and

WHEREAS, There is now no reason why plans for the storage of such surplus wheat in California may not be put under way pursuant to which such wheat may be stored in California at least as advantageously as elsewhere, thus conferring a great economic benefit to this State at no additional cost, and possibly a saving, to the United States; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby respectfully requests the President and the Congress of the United States to take such steps as may be necessary to cause to be stored within the State of California such quantities of the surplus wheat under the control of the Commodity Credit Corporation as may be stored therein to the best advantage and benefit to the people of the State of California and the people of the United States; and be it further

Resolved, That the Secretary of the Senate be, and he hereby 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 109

Assembly Concurrent Resolution No. 87—Relative to congratulating the United Bay Area Crusade.

[Filed with Secretary of State, April 13, 1955.]

WHEREAS, It has come to the attention of the Legislature that the United Bay Area Crusade will come into legal being as an actual corporate entity on the twelfth of April, 1955; and

WHEREAS, While cooperative organization has heretofore been the keynote, the creation of this entity is of momentous importance in uniting the entire Bay area under one efficient fund-raising organization, the United Bay Area Crusade; and

WHEREAS, The objectives of the organization are to give assistance to persons and families who are in need, and such a worthy objective should not be limited by artificial boundaries, and could be more effectively achieved if neighboring communities would pool their efforts; and

WHEREAS, On April 12th at the luncheon meeting on Treasure Island, representatives of towns and agencies in five counties will elect a board of 300 governors, an executive committee and the officers of this new organization; and

WHEREAS, It is anticipated that several hundred persons from among 143 cities, towns and neighborhoods will attend the affair, representing nearly 300 health and welfare agencies which serve a population of 2,300,000 in Alameda, Contra Costa, Marin, San Francisco and San Mateo Counties; and

WHEREAS, The new crusade represents organizations which last year campaigned for more than $10,000,000 to aid people in need, such goal being exceeded only by the sums raised in Philadelphia and Detroit; 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 extend to the Counties of Alameda, Contra Costa, Marin, San Francisco and San Mateo its sincere and heartiest congratulations on their outstanding achievement in uniting under one organization, and its best wishes for the utmost success in their new venture; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and transmit copies of this resolution to the Boards of Supervisors of the City and County of San Francisco, the County of Alameda, the County of Contra Costa, the County of Marin and the County of San Mateo, and the Board of Governors of the United Bay Area Crusade.

CHAPTER 110

Senate Joint Resolution No. 17—Relative to the inclusion of U. S. Highway 101 (from Los Angeles to the Oregon state line) and U. S. Highway 199 (from Crescent City to the Oregon state line) in the National System of Interstate Highways.

[Filed with Secretary of State, April 15, 1955.]

WHEREAS, U. S. Highway 101, which traverses the State of California from the international boundary line near Tia Juana to the Oregon state line via Los Angeles, San Francisco, Eureka, and Crescent City, is one of the most important highways in this State, carrying as it does a tremendous volume of international, interstate, and local vehicular traffic; and

WHEREAS, U. S. Highway 199, which joins U. S. Highway 101 at Crescent City in this State and traverses the inland area of the State of Oregon by way of Grants Pass, is also an interstate artery of major importance, carrying heavy traffic of all types; and

WHEREAS, U. S. Highways 101 and 199, which are included in the Federal Primary Highway System, are essential links in the interstate and international highway system of the Nation; and

WHEREAS, In the event of atomic attack or any other national defense emergency on the West Coast, U. S. Highway 101 would assume even greater importance as an avenue for necessary evacuation of inhabitants of urban areas and transportation of civil defense equipment and personnel; and

WHEREAS, The only form of ground transportation between Grants Pass and Crescent City is via U. S. Highway 199 and between Crescent City and Eureka is via U. S. Highway 101 (both being sections of State Highway Route 1), there being no railroad facilities between these points; and

WHEREAS, Under Section 7 of the Federal-Aid Highway Act of 1944, provision was made for the selection of a national system of interstate highways not exceeding 40,000 miles in total extent, so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico; and

WHEREAS, Additional allocations of federal-aid highway funds are made by Congress for expenditure on this National System of Interstate Highways, as evidenced by the additional allocation of one hundred seventy-five million dollars ($175,000,000) in the fiscal year ending June 30, 1956, and one hundred seventy-five million dollars ($175,000,000) in the fiscal year ending June 30, 1957, made by the Federal-Aid Highway Act of 1954 for this purpose; and

WHEREAS, The Congress is now in the process of enacting legislation which would supply hundreds of millions of additional funds for the national system of interstate highways; and

WHEREAS, The President of the United States has recommended "that the Federal Government assume primary responsibility for the cost of a modern interstate network to be completed by 1964 to include the most essential urban arterial connections at an annual average cost of 2.5 billion dollars" for the next 10 years; and

WHEREAS, While the portion of U. S. Highway 101 in this State from the Mexican border to the City of Los Angeles was included in this National System of Interstate Highways, the remainder thereof from Los Angeles to the Oregon boundary was left out of said system, as was U. S. Highway 199, and neither are at the present time included therein; and

WHEREAS, It is felt by the people of the State of California that it is imperative for the sake of interstate and international vehicular traffic and national defense, that all of U. S. Highway 101 in this State, and also all of U. S. Highway 199, be included in the National System of Interstate Highways and

thereby be eligible for the additional federal-aid highway funds expended on such highways in order to bring portions of said highways up to the standards necessary to adequately handle the volume of traffic now in existence on said highways and the certain increase thereof due to the continuing growth in the population of this State and to cope with the increased burdens which will be placed on said highways in case of a national defense emergency; and

WHEREAS, The County Supervisors Association of California, at its Annual Convention in Los Angeles last September, 1954, adopted a resolution urging the inclusion of U. S. Highways 101 and 199 in the National System of Interstate Highways, indicating state-wide support; 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, the Congress of the United States, the Secretary of Commerce, the Commissioner of the Bureau of Public Roads, the California Highway Commission, and the State Department of Public Works to take whatever steps are necessary to include the highways described in this resolution in the National System of Interstate Highways; 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, to the Secretary of Commerce and the Commissioner of the Bureau of Public Roads, to the Chairman and Members of the California Highway Commission and the Director of Public Works, to the County Supervisors Association of California, and to the Supervisors Unit of the Redwood Empire Association; and be it further

Resolved, That the Secretary of the Senate be hereby directed to transmit copies of this resolution to the President of the Oregon State Senate, to the Speaker of the Oregon State House of Representatives, and to the Chairman and Members of the Oregon State Highway Commission, with letters of transmittal expressing the friendly greetings of the California State Legislature and the hope that the Oregon State Legislature, now in session, will take similar action calling for inclusion of sections of U. S. Highways 199 and 101 within the State of Oregon in the National System of Interstate Highways and also that the agencies concerned in the States of Oregon and California may work cooperatively together for the accomplishment of common objective, in the public interest nationally.

CHAPTER 111

Senate Joint Resolution No. 19—Relative to requesting the United States to pass legislation granting to the State of California and to the other western states all of the lands and minerals within their respective borders with the exception of lands within national parks, national monuments, national forests, and lands utilized for national defense and for the promotion of aviation and agriculture.

[Filed with Secretary of State, April 15, 1955.]

WHEREAS, The people of the sovereign State of California recognize that the United States of America owns over 45 percent of all the lands within the borders of the State of California; and

WHEREAS, The people of the State of California recognize that the United States of America owns a large proportion of the western states as tabulated below:

	Percent
Arizona	69
California	45
Colorado	37
Idaho	64
Montana	36
Nevada	84
New Mexico	45
North Dakota	6
Oklahoma	8
Oregon	52
South Dakota	17
Utah	71
Washington	35
Wyoming	51

and

WHEREAS, The people of the State of California have long been aware of the inequitable lack of sovereignty and loss of revenue from the lands aforesaid and minerals contained therein; and

WHEREAS, The population of California has increased from 6,907,387 in 1940 to 10,586,223 in 1950 (Census Bureau estimate, July 1, 1954—12,554,000), and there has been a corresponding increase in demand for land for use by the increased population with no appreciable release of land by the Federal Government for the increase in population; and

WHEREAS, The Taylor Grazing Act of 1934 in its preamble states that its purpose is "to promote the highest use of the public lands pending its final disposal"; and

WHEREAS, By the Act of Admission of September 9, 1850, the State of California was admitted into the Union on an equal footing with the original states in all respects whatever, which is not the case in fact when the Federal Government

owns the majority of the lands and mineral resources within the State of California; and

WHEREAS, By the several Acts of Admission of the western states enumerated above each state was admitted into the Union on an equal footing with the original states in all respects whatever, which is not the case in fact when the Federal Government owns the majority of the lands within the said western states and the minerals contained therein; and

WHEREAS, The Government of the United States has from time to time taken and continues to take more of the lands and minerals in addition to those already owned by it within the western states, and thus deprives the State of California and its citizens, and deprives the other western states and their citizens further from the benefits of such lands and minerals; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States of America be and it is hereby memorialized to promptly, diligently, and fairly consider and act upon at this session, legislation designed to grant to the State of California and its citizens, and to the other western states and their citizens, title to all of the lands and minerals presently owned by the Government of the United States of America within the borders of California and of the other western states, with the exception of lands in use, or needed in the immediate future for use, in the discharge of governmental functions, and of lands and minerals in national parks, national monuments, national forests, and of lands for national defense and for promotion of aviation and agriculture; and be it further

Resolved, That certified copies hereof be promptly transmitted to the President and to the Vice President of the United States, to the Speaker of the House of Representatives of said Congress, and to each Senator and Representative from California in the Congress of the United States, and to the Governors, the Legislatures, and to each Senator and Representative in the Congress of the United States for the following states: Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming.

CHAPTER 112

Senate Joint Resolution No. 20—Relative to payments in lieu of taxes by the Federal Government.

[Filed with Secretary of State, April 15, 1955.]

WHEREAS, The Federal Government, through its many agencies, continues to acquire vast holdings of land and improvements, particularly for military, experimental and defense purposes, and since the Federal Government is under no con-

stitutional obligation to pay taxes, the property thus acquired is removed from the local tax base; and

WHEREAS, Not only has the Federal Government acquired considerable land for war and defense projects, but in recent years it has enlarged its holdings of public lands set aside for national parks, Indian reservations, forest reserves, experimental areas and other similar purposes, which activity has been particularly noticeable in the 11 western states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, within which states the Federal Government has greatly expanded the public domain since 1937, now owning over 55 percent of all the land in these states; and

WHEREAS, Because general property taxation is the major source of revenue for counties, cities, school districts and other local governmental units, the acquisition of property by the Federal Government has seriously impaired this source of revenue of local governmental units and consequently the financial stability of such local governments; and

WHEREAS, While the acquisitions of additional federal property have adversely affected the source of revenue of local government, at the same time they have also enlarged the local problems and responsibilities of furnishing many necessary public services, not only directly for federal activities, but also for the large numbers of families being attracted to the sites of federal projects; and

WHEREAS, Federal property ownership has had a crushing impact on local governments, striking at the very heart of local 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 President and Congress of the United States to enact legislation providing for payments to local governments in lieu of taxes on federally owned lands; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 113

Assembly Concurrent Resolution No. 77—Relative to commending Mrs. Hazel Miller, President of the Woman's Auxiliary to the California Medical Association.

[Filed with Secretary of State, April 18, 1955.]

WHEREAS, The Woman's Auxiliary to the California Medical Association is an organization which has rendered many

valuable services throughout the State of California and is recognized as an outstanding and worthy association; and

WHEREAS, The California Auxiliary is the largest state medical auxiliary in the United States, comprising a membership of 5,583 women; and

WHEREAS, Mrs. Hazel Miller, President of the Woman's Auxiliary to the California Medical Association will retire as president of this organization at the close of the forthcoming convention of the Woman's Auxiliary to the California Medical Association, which will be held in San Francisco, May 1st through May 3d of this year; and

WHEREAS, It is fitting and proper that the Legislature of the State of California take this opportunity to commend Mrs. Hazel Miller for her many valuable contributions to the State of California through her numerous important civic activities; and

WHEREAS, Hazel Lee Miller grew up in Slayton, Minnesota, receiving her bachelor of arts degree in 1930 from St. Olaf College in Northfield, Minnesota, with a major in Latin, taking postgraduate work at the University of Minnesota and Gregg College in Chicago in the field of secretarial training, which subject she taught in high schools in South Dakota and Montana during the next six years; and

WHEREAS, In 1938 she went to Spokane, Washington, to teach in the business college in that city, where she met and married Dr. Frederick Miller, and became a member of the Woman's Auxiliary of the Washington Medical Association, and served as the county treasurer of that organization for two years; and

WHEREAS, In 1946, the Millers moved to Bakersfield, where she became active in the Kern County Auxiliary of the Woman's Auxiliary to the California Medical Association, serving in various chairmanships and offices, including the presidency in 1949 to 1950; and

WHEREAS, Mrs. Hazel Miller served on the State Board of the Woman's Auxiliary to the California Medical Association for four years, including two terms as Public Relations Chairman, and as its first vice president and president; and

WHEREAS, During Mrs. Miller's term of office as President of the Woman's Auxiliary to the California Medical Association, she has zealously and ably carried out her duties as such, thereby making an important and invaluable contribution toward the growth and development of the Woman's Auxiliary to the California Medical Association as an important state-wide organization; and

WHEREAS, During her term of office, Mrs. Miller has visited 31 county auxiliaries and in addition has attended many special meetings throughout the State and has devoted herself unselfishly to promoting the aims and purposes of the organization; and

WHEREAS, Mrs. Hazel Miller has also made many other important civic contributions through her service in such

other community organizations as the Woman's Club, the American Association of University Women, the Congregational Women's Group, and the Council of Social Agencies; and

WHEREAS, All those persons who have been fortunate enough to be associated with Mrs. Miller in her work and activities will attest to her warmth, sincerity, and outstanding leadership qualities; and

WHEREAS, It is the desire of the Members of the Legislature, by means of this resolution, to recognize the many contributions that Mrs. Miller has made to the State of California and to commend her for the example she has established for other women throughout the State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the California Legislature hereby congratulate and commend Mrs. Hazel Miller, President of the Woman's Auxiliary to the California Medical Association, for her important contributions to the welfare of the people of the State of Calfornia through her many civic activities, and in particular her services for the Woman's Auxiliary to the California Medical Association, including her term as its president; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mrs. Hazel Miller of Bakersfield, California, and to the Woman's Auxiliary to the California Medical Association.

CHAPTER 114

Assembly Concurrent Resolution No. 78—Relative to the California Teamsters.

[Filed with Secretary of State, April 18, 1955.]

WHEREAS, There has been presented to each Member of the Senate and Assembly of the State of California by the California Teamsters and the California Teamsters Legislative Council a beautiful book inscribed with the following message:

CALIFORNIA TEAMSTERS
are honored to present this book on
MEMBERS
of
THE CALIFORNIA LEGISLATURE
and
OTHER STATE OFFICIALS
in appreciation and recognition of
their valuable service to all of the people of this State;

and

WHEREAS, Photographed on the cover of this book is our beautiful State Capitol surrounded by a variety of species of

California trees that have grown to height and beauty on the capitol grounds at Sacramento, California; and

WHEREAS, Also on the front cover of this book is an inscription which declares "Bring me men to match my mountains," thus implying that Legislators who serve their beloved State of California do so with honor and integrity and with the desire to serve the people to the best of their ability and to use their best efforts to solve the many problems of government which confront them during each session of the Legislature; and

WHEREAS, For the kindness and generosity of the California Teamsters in distributing this magnificent book containing pictures of each Member of the Legislature together with a short résumé of each member's life's history, the Members of the Senate and Assembly of the State of California are deeply appreciative and from grateful hearts express to the California Teamsters their sincere thanks and appreciation for the book which will be cherished by each member not only in the present but during the many years to come; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Vern H. Cannon, Legislative Representative of the California Teamsters Legislative Council, is hereby requested to accept the thanks of each Member of the California Legislature and to convey to the officers and members of the council and to the officers and members of all California teamsters' unions the thanks and sentiments contained in this resolution; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to have suitably engrossed copies of this resolution prepared and forwarded to the California Teamsters Legislative Council, to Mr. Joseph Diviny, President of the Executive Committee thereof, to the Teamsters International and to Mr. Vern H. Cannon, Legislative Representative of the California Teamsters.

CHAPTER 115

Assembly Concurrent Resolution No. 81—Relative to the construction and dedication of the National Broadcasting Company's Color City.

[Filed with Secretary of State, April 18, 1955.]

WHEREAS, At a cost of approximately seven million dollars ($7,000,000) including over three million seven hundred thousand dollars ($3,700,000) for the world's first studio built specifically for color telecasting, the National Broadcasting Company has constructed the fabulous Color City, located on a 48-acre site in Burbank, California, and thereby has nearly doubled the company's investment in the San Fernando Valley; and

WHEREAS, The new construction at this site includes, in addition to the color telecasting studio, a control building, a technical building, and a rehearsal studio, as well as expansion of the service building, altogether adding 12,600 square feet of new facilities; and

WHEREAS, The new color studio boasts the latest equipment in every category, typified by a lighting system with a capacity of 1,000,000 watts, with 2,400 lighting controls and 1,260 outlets, the largest ever installed in a television studio; and

WHEREAS, Color City was dedicated on March 27, 1955, and in recognition thereof Governor Goodwin J. Knight has designated the week of March 27 to April 2, 1955, "NBC Color Television Week" and has expressed the hope that his fellow Californians will join in observance thereof; 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 extends to the Radio Corporation of America and the National Broadcasting Company and their officers and employees its hearty congratulations and appreciation for the establishment of Color City; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Mr. David Sarnoff, Chairman of the Board of the Radio Corporation of America, and to Mr. Sylvester L. Weaver, Jr., President of the National Broadcasting Company.

CHAPTER 116

Assembly Concurrent Resolution No. 84—Relating to extending good wishes to Dr. Harry M. Howell in his illness.

[Filed with Secretary of State, April 18, 1955.]

WHEREAS, The Members of the California Legislature have learned with deep regret of the illness of Dr. Harry M. Howell, Associate Superintendent of Los Angeles City Schools; and

WHEREAS, Dr. Howell's reputation as an outstanding educator and as one of this Country's leading experts in the field of school finance is nation-wide; and

WHEREAS, For many years his advice with respect to educational matters, particularly those dealing with the financing of the public schools, has been sought and relied upon by members of the California Legislature; and

WHEREAS, Dr. Howell is well and favorably known to the Members of the Legislature, not only for his expert knowledge of educational and financial matters and his skill and clarity in presenting his views, but also for his integrity and fairness and his patriotism and loyalty to our State and Nation; and

WHEREAS, Members of this Legislature have enjoyed his friendship and good fellowship throughout the years; therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature extends to Dr. Harry M. Howell its sympathy in his illness and its wishes for a speedy and complete recovery and return to his official duties, including his duties in connection with legislation involving the public schools; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby instructed to prepare and forward a suitable copy of this resolution to Dr. Harry M. Howell.

CHAPTER 117

Assembly Concurrent Resolution No. 89—Relative to the passing of Harvey S. Mudd.

[Filed with Secretary of State, April 18, 1955]

WHEREAS, With the recent passing of Harvey Seeley Mudd the State of California is deprived of a distinguished citizen, and the City of Los Angeles suffers the loss of one of its foremost civic leaders of all time; and

WHEREAS, The sorrow and sense of loss which follows upon the death of one who has endeared himself in life to his fellow citizens as well as to the beloved ones of his family and his friends, is alleviated by the memory and realization of his accomplishments in life; and

WHEREAS, The accomplishments of Harvey Seeley Mudd will long be remembered and appreciated by our people, his successes in life in many instances now surviving him as tangible memorials to this noble and unselfish person, born 66 years ago in Leadville, Colorado, son of Seeley W. and Della Mulock Mudd—Harvey Seeley Mudd became a resident of Los Angeles near the beginning of the century, attended the public schools of Los Angeles and Los Angeles High School, matriculated at Leland Stanford Junior University, and graduated in 1912 from Columbia University with the degree of engineer of mines. In the practice of his profession Harvey Seeley Mudd has been connected with important enterprises, not only in the United States, but in distant parts of the world as well; his profession has honored him with the award, in 1948, of the Egleston Columbia Engineering Medal; he has received a scroll of the Engineers and Architects Association for his outstanding accomplishments in engineering fields; he has been honored to be President of the American Institute of Mining and Metallurgical Engineers. Active in the social, business, and cultural development of his community and State, Harvey Seeley Mudd has participated unselfishly in civic enterprises too numerous to be completely counted; he participated in founding the Southern California Symphony Association; he was chairman of the board of fellows of Claremont College, trustee of the California Institute of Technology, a director of the Hospital

of the Good Samaritan and chairman of the board of directors of the Welfare Federation of the Los Angeles area. He served on the special crime commission of Governor Earl Warren of California; he has been a member of the Advisory Committee of the Henry E. Huntington Library and Art Gallery and of the California Community Foundation. Harvey Seeley Mudd has been honored with membership in many eminent societies, among them the Mining and Metallurgical Society of America, Society of Colonial Wars, Sigma Xi, Delta Tau Delta, Tau Beta Pi, Sons of the Revolution, the Knickerbocker Club of New York City, and the Mining and Metallurgical Club of London. In 1941 the University of California conferred upon him the degree of doctor of laws, and in 1943 he received the degree of doctor of laws from Loyola University. In 1947 Columbia University honored him with the degree of doctor of science. These are but a few of the indications of the tremendous energies, personality, and sense of unselfish dedication to his fellow men which marked the life of Harvey Seeley Mudd; and

WHEREAS, It is appropriate that this Legislature note the passing of so prominent a citizen as Harvey Seeley Mudd, and extend its condolences to his loved ones who survive; now therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That this Legislature notes with deep regret the passing of Harvey Seeley Mudd, and extends its sincerest sympathy to the members of his family who survive him; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to prepare and transmit suitably prepared copies of the resolution to Mildred Esterbrook Mudd, widow of Harvey Seeley Mudd, to Henry T. Mudd and Mrs. Norman F. Sprague, his son and daughter, and to Doctor Seeley Mudd, his brother.

CHAPTER 118

Senate Concurrent Resolution No. 53—Relative to the George J. Hatfield American Legion Post.

[Filed with Secretary of State, April 20, 1955.]

WHEREAS, George J. Hatfield helped organize and worked closely with the American Legion throughout his lifetime and was instrumental in establishing the California Veterans Farm and Home Loan program, as well as many other beneficial programs for California veterans; and

WHEREAS, The American Legion, Department of California, has elected to honor him by renaming Stevinson Post No. 91 which he founded and served as Commander, the George J. Hatfield Post No. 91; and

WHEREAS, Legionnaires, public officials and friends of George J. Hatfield will gather May 27, 1955, to pay fitting

tribute to a man who served his God and Country well and to dedicate the Veterans Memorial Building at Stevinson, California, to his memory; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Senate and the Assembly take this opportunity to extend their best wishes to the new George J. Hatfield Post No. 91 at Stevinson, California, and to congratulate the American Legion, Department of California, for bestowing this fitting tribute upon one of the Senate's most distinguished former Members who personally contributed so much to both the welfare of the State of California and to the veterans of California; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a suitably prepared copy of this resolution to be presented to the George J. Hatfield Post No. 91, American Legion.

CHAPTER 119

Senate Concurrent Resolution No. 55—Relative to the Centennial of Merced County.

[Filed with Secretary of State, April 20, 1955.]

WHEREAS, One hundred years ago, on the nineteenth day of April, 1855, this Legislature approved an act entitled, "An act to create the County of Merced, to define its boundaries and to provide for its organization" whereby the County of Merced was formed as a separate political subdivision of this State; and

WHEREAS, There was implied in that act of the Legislature a certain confidence that the people of the County of Merced would well and faithfully discharge the duties and obligations of local self government; and

WHEREAS, It is now proven that confidence was justly placed, Merced County in these 100 years having become a definite and important unit, not only in the government of this State, but in the government of the county as a whole, whose citizens from the first settlers to the present have been aggressive and forward-looking, creating and passing on a wealthy heritage of well-cultivated lands, sleek livestock, good schools, institutions, parks and public buildings, and well-governed cities; and

WHEREAS, The long and interesting history of Merced County reveals that truly pioneer efforts have been the beginnings and the foundation of the pleasant communities and countryside of Merced which are now highly desirable places in which to live and work, from the first arduous journey of Gabriel Moraga and his soldier-explorers in 1806, the explorations of the American trappers and the establishments of the Spanish-Californians upon the huge land-grant ranchos of ear-

lier times, to the modern day founders of industries and cities; and

WHEREAS, In the past 100 years, Merced has become a county of rank and importance, with a population that has expanded from 700 to 75,000, one of the first sites of California's important cattle industry, and the producer of large quantities of dairy products, fruits, nuts, vegetables, nursery stock, cotton, rice, and other crops, poultry, beef, pork, and sheep, in total quantities approximating almost a hundred million dollars in value a year; and

WHEREAS, It appears that the people of the County of Merced have an understanding and appreciation of their history and heritage, and likewise the courage and foresight to preserve their blessings and provide for the future of their county and of this State; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature takes notice of the centennial of Merced County and of the many and important accomplishments of its citizens, those living as well as those who are departed, and extends to the people of Merced County its congratulations for the occasion and sincerest wishes for even greater achievement and prosperity; and, be it further

Resolved, That the Secretary of the Senate is directed to prepare and transmit suitably prepared copies of this resolution to the Board of Supervisors of the County of Merced, the centennial committee thereof, and the Members of the Legislature representing said county.

CHAPTER 120

Senate Concurrent Resolution No. 58—Relative to the initiation of the program of antipolio inoculation.

[Filed with Secretary of State, April 20, 1955]

WHEREAS, On Saturday, April 16th, the County of San Diego became the first county in the Nation to start the inoculation of its school children with the Salk antipolio vaccine; and

WHEREAS, This head start is the result of foresight and hard work on the part of the Director of Public Health, Dr. J. B. Askew, who enlisted the private physicians and registered nurses of the county in the effort to set up an organization which would function as soon as the vaccine was available; and

WHEREAS, Some 30,000 first and second graders of San Diego County were inoculated on Saturday; now, therefore be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature extend congratulations to Dr. Askew for the successful culmination of

his many weeks of planning and work which gave California another well deserved first in the Nation; and, be it further

Resolved, That the Legislature also extend congratulations and thanks to the members of the San Diego County Medical Society and the California State Nurses Association, District Eight, for their unselfish volunteering of time and effort in this direction; and, be it further

Resolved, That the Secretary of the Senate be and hereby is directed to transmit the Legislature's congratulations and thanks to Dr. Askew, the San Diego County Medical Society, and District Eight of the California State Nurses Association.

CHAPTER 121

Senate Concurrent Resolution No. 59—Relative to Barbara Romack, women's national amateur golf champion.

[Filed with Secretary of State, April 20, 1955.]

WHEREAS, Miss Barbara Romack of Sacramento will be the only American girl competing in the British Amateur Golf Tournament, starting May 16th in Royal Port Rush, North Ireland; and

WHEREAS, Miss Romack has distinguished herself in the past by winning the United States Women's Amateur Championship and the Canadian Women's Championship; and

WHEREAS, Miss Romack has long been a gallery favorite, not only because of her golfing ability, but because of her cheerful manner and sportsmanlike conduct; and

WHEREAS, She has brought distinction and honor to the State of California and to her home City of Sacramento because of the above mentioned facts; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature of the State of California do hereby commend and congratulate Miss Romack and wish her luck in the British Amateur; and, be it further

Resolved, That the Secretary of the Senate is directed to prepare and transmit suitable copies of this resolution to Miss Barbara Romack.

CHAPTER 122

Assembly Concurrent Resolution No. 93—Relative to commemorating the forty-ninth anniversary of the San Francisco catastrophe of 1906.

[Filed with Secretary of State, April 21, 1955.]

WHEREAS, This date marks the forty-ninth anniversary of the appalling disaster which practically destroyed the City of San Francisco in the year 1906; and

WHEREAS, The extent and amount of the destruction was so great as to appall the stoutest hearts; and

WHEREAS, The people of this great community, animated by the dauntless and indomitable spirit of the pioneers, spared neither time nor strength nor money in rebuilding a mighty metropolis upon the ruins and ashes of the city they had loved and lost; and

WHEREAS, Throughout the years the people of the City and County of San Francisco continue to give fresh evidence of their vision and their courage; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That we hereby record our unbounded admiration of the city which as Bret Harte truly said, "serene, indifferent of fate thou sitteth at the western gate"; and be it further

Resolved, That we congratulate the people of San Francisco on their convincing demonstration of courage, pride, and patriotism, and their exemplification of the rugged energy and fortitude engendered by their heritage from their pioneer forebears; and be it further

Resolved, That we extend our hearty congratulations on their successful past, with an equal measure of good wishes for their successful future; and be it further

Resolved, That suitable copies of this resolution be forwarded by the Chief Clerk of the Assembly to His Honor Mayor Elmer Robinson and the San Francisco Board of Supervisors.

CHAPTER 123

Senate Joint Resolution No. 18—Relative to memorializing Congress to appropriate funds for the construction and improvement of highways necessary for civil defense purposes.

[Filed with Secretary of State, April 21, 1955.]

WHEREAS, The rapid development of more efficient atomic weapons capable of a tremendous destructive force over a wide area, and of both piloted and guided aircraft to deliver these deadly missiles to any spot on the globe, has rendered every population and industrial center in this country susceptible to sudden attack by enemy forces with the catastrophic results; and

WHEREAS, It is obvious that if any of the great population or industrial centers of our country is the victim of an enemy bombing attack, the roads and highways leading out of such center will assume tremendous importance, since they will be used before the attack, if there is any warning thereof, to evacuate as many persons as possible, and will be used after the immediate devastation subsides to evacuate the wounded and homeless, to move in needed medical personnel and equipment, and for movement of military troops and equipment; and

WHEREAS, It is essential that as many such roads and highways as possible be constructed and improved to standards which will enable them to be put to the most effective use for the purposes described above in the event of enemy attack and thereby minimize to a great extent the loss of life and disruption of transportation and communication which will result from such an attack; and

WHEREAS, The present program of federal aid for construction and improvement of highways is an important step towards the ultimate completion of an integrated system of adequate roads and highways throughout the Nation, but is limited, to a great extent, to the major roads and highways only; and

WHEREAS, There are many roads and highways which, while not presently considered major roads or highways for the purpose of federal aid, are vitally essential when considered in the light of civil defense needs; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to establish a program for the extension of federal aid for the construction of roads and highways necessary for civil defense purposes and to appropriate funds to carry out this program; 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. 60—Relative to the passing of Joseph M. Lannon.

[Filed with Secretary of State, April 21, 1955.]

WHEREAS, The Legislature has learned with regret of the death on April 13th of this year of Joseph M. Lannon, Sacramento County detective and special investigator for that county's district attorney's office; and

WHEREAS, Joe Lannon, a native Sacramentan, entered the service of the county in 1937 and in the course of his service became the intimate and valued friend of numerous judges and attorneys and others with whom he came in contact; and

WHEREAS, He was an active participant in the political and social life of his community, having served as president of the Fraternal Order of Eagles and the Sacramento parlor of the Native Sons of the Golden West and as a member of the Elks Lodge and the International Footprinters Association; and

WHEREAS, The Legislature shares the bereavement felt by Joe Lannon's family; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature extends to the surviving relatives of Joe Lannon its deepest sympathy; and, be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Gerald Lannon, son of Joe Lannon, and to his sisters, Julia Lannon and Mrs. Ferd Shaeffer.

CHAPTER 125

Senate Concurrent Resolution No. 57—Relative to the creation of the Joint Committee on Federal Highway Aid.

[Filed with Secretary of State, April 22, 1955]

WHEREAS, The President of the United States has recommended, and the Congress of the United States is considering, legislation for increased federal aid for highways within the respective states; and

WHEREAS, If such legislation is enacted, it will affect state legislation providing for the allocation of both federal and state funds for state highways, county roads, and city streets; and

WHEREAS, It is essential to the people of the State that the Legislature enact laws at the earliest possible time to facilitate the use of increased federal highway aid on state highways, county roads, and city streets; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Committee on Federal Highway Aid is hereby created and authorized and directed to ascertain, study and analyze all facts relating to federal aid for state highways, county roads, and city streets, 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 recitals 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 three members of the Senate appointed by the Committee on Rules thereof, and three members of the Assembly, appointed by the Speaker thereof, together with one member of the Assembly Committee on Interstate Cooperation designated by the chairman of said committee. 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 1956 Regular Session, with authority to file its final report not later than the fifth 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 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 meet and act both within and outside the State of California in carrying out the duties imposed upon it by this resolution.

6. The sum of seven thousand five hundred dollars ($7,500) 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 126

Senate Joint Resolution No. 28—Relative to the enactment of federal highway legislation.

[Filed with Secretary of State, April 22, 1955]

WHEREAS, The President of the United States has placed before Congress the matter of the improvement of the roads, streets, and highways throughout the Nation, giving special

emphasis from the standpoint of national defense to the rapid completion of the Interstate System of Highways; and

WHEREAS, There are now numerous bills pending before the Congress relating to the improvement of the federal aid systems of highways; and

WHEREAS, The Interstate System is now recognized by federal law as including 40,000 miles of highways throughout the United States but at the present time only 37,600 miles have been designated as being on said system, it being understood that that portion of said remaining 2,400 miles which will be allocated to California will comprise circumferential and other connecting routes in metropolitan areas; and

WHEREAS, That portion of the Interstate System located within California includes highways most seriously deficient from the standpoints of traffic volumes, traffic safety, and structural inadequacy; and

WHEREAS, The completion of the Interstate System from federal funds would permit the more rapid correction of the remaining deficiencies on the public streets and highways in California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States is memorialized to enact legislation for the completion of the Interstate System within the shortest feasible period of time, and that such legislation should recognize the following principles:

1. That the provisions for the federal financing of the Interstate System should permit long-range planning, to the end that the system can be completed as rapidly as possible and as a free system of highways.

2. That the program for improving the Interstate System should not interfere with the orderly allocation of funds for the other federal aid systems of highways.

3. That the formula for the allocation of additional funds among the various states for improvement of the Interstate System should be based upon the needs for improvement of that system in the various states, and that such formula should be made definite and certain, so that the various states may plan and construct said Interstate System as rapidly as possible in an orderly manner.

4. That the provisions requiring states to match federal funds for the improvement of the Interstate System should not require a greater outlay by the states for such system than was required in amount to match the 1956 allocations for that system under the 1954 Federal Highway Act.

5. That the preparation of the plans and specifications of projects, their priority, and the handling of the construction work be substantially as has previously been provided under existing federal aid legislation.

6. That if credit is to be given to any state by reason of the previous completion or toll financing of any portion of the

Interstate System, the legislation be so drafted that such credits be taken into consideration in computing the allocation formula, so that no delays will result while such credits are being computed; and, be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the chairmen of the appropriate committees of the Congress, and to each Senator and Representative from the State of California.

CHAPTER 127

Assembly Concurrent Resolution No. 86—Commending the Grand Lodge of the State of California, Free and Accepted Masons, for their leadership in sponsoring the annual Public Schools Week.

[Filed with Secretary of State, April 22, 1955]

WHEREAS, The Thirty-sixth Annual Public Schools Week will be observed in the public schools of California during the week of April 25th to April 30th; and

WHEREAS, In its inception Public Schools Week was a Masonic undertaking, having first been observed during the week of September 27, 1920, pursuant to a proclamation issued to the Masonic lodges by the Honorable Charles Albert Adams, past Grand Master of Masons in California, calling attention to the crisis then confronting the public schools of this State; and

WHEREAS, With the passing of the then existing crisis it was recognized that such annual gatherings in observation of Public Schools Week were of momentous value in keeping public education in the minds of the people; thus, the annual observance became a community affair rather than a Masonic event, with such organizations as the American Legion, Parent-Teacher Association, Ministerial Association, various service clubs in the community, and other fraternal and civic organizations participating in the activities; and

WHEREAS, Throughout the years of the annual observance of Public Schools Week the Masonic order has sought no gain for Masonry or credit for any service rendered the public schools, but has been motivated purely by a desire to render a public service, to the end that each year there will be afforded to the champions of free, public education an opportunity to join in bringing about that close contact between the people and their public schools which is so essential to a continuance of the friendship, faith, and confidence upon which they necessarily depend; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Grand Lodge of the State of California, Free and Accepted Masons, are hereby com-

mended for initiating and sponsoring Public Schools Week in the public schools of the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby instructed to forward a suitably engrossed copy of this resolution to the Grand Lodge of the State of California, Free and Accepted Masons.

CHAPTER 128

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 23a of Article IV thereof, relating to legislative help.

[Filed with Secretary of State, April 25, 1955.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the third day of January, 1955, 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 23a of Article IV of the Constitution of the State be amended to read:

SEC. 23a. The Legislature shall provide for the selection of all officers, employees and attaches of both houses.

CHAPTER 129

Assembly Constitutional Amendment No. 46—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding to Article XI thereof a new section to be numbered 7½a, relating to county charters.

[Filed with Secretary of State, April 25, 1955.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its regular session commencing on the third day of January, 1955, 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 adding Section 7½a to Article XI thereof, to read:

SEC. 7½a. Any county charter may provide for the establishment of a borough system for the whole or any part of the unincorporated territory of such county, by which one or more boroughs may be created therein, and may provide that each borough may exercise such county powers and be administered in such manner as may be provided for such boroughs in the charter of the county. A county charter may provide that such boroughs may cooperate with other county or city boroughs or cities, or exercise jointly any powers common to such county or city boroughs or cities.

CHAPTER 130

Senate Concurrent Resolution No. 61—Relative to the passing of John H. Doran.

[Filed with Secretary of State, April 25, 1955.]

WHEREAS, With deep regret the Members of the Legislature have learned of the passing of John H. Doran, who, in the past has ably and personably represented the California Packing Corporation in its business before the Legislature and the committees thereof; and

WHEREAS, John H. Doran was a native of the City of Sacramento, a citizen of this State for the 52 years of his life, and for 30 years connected with California Packing Corporation, rising to the position of operating manager of the firm's canned fruit division, during which life he served well his Country, his State, his community, and his business; and

WHEREAS, John H. Doran first appeared before the Legislature in 1939 as a business representative of California Packing Corporation, and continued to serve in such capacity until his untimely and unfortunate passing on January 21, 1955; and

WHEREAS, The Members of this Legislature miss the presence of John H. Doran, and regret the loss of his attention and advice upon matters of legislative importance pertaining to the fields of his interest and representation; and

WHEREAS, John H. Doran left surviving him his wife, Helen A. Doran, and other members of his family, his daughter, Mrs. Tatem Wofford, and his grandchildren, Gail and Tassie; and

WHEREAS, It is fitting and proper that this Legislature extend sympathy to the dear ones of John H. Doran, particularly to his wife, Helen Doran; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature hereby express their grief at the passing of Jack Doran, and extend to his family and his friends their sincere sympathy, and their wishes that the memories of his life and accomplishments will lessen the burdens which the sorrow of his passing have caused; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to Helen A. Doran, and to the other bereaved members of the family of the late John H. Doran.

CHAPTER 131

Senate Concurrent Resolution No. 54—Relative to expressing appreciation to Mr. Richard Wareing, Mr. Richard Mears, and Metro-Goldwyn-Mayer Pictures.

[Filed with Secretary of State, April 26, 1955.]

WHEREAS, The Members of the Legislature of the State of California sincerely appreciate the kindness of those responsible for entertaining the children of the legislators at a showing of the delightful and tender picture, "The Glass Slipper"; and

WHEREAS, The imaginations and fancies of all the children were captured by the beautiful retelling of the beloved fairy tale of Cinderella and her Prince Charming; and

WHEREAS, This showing of "The Glass Slipper" was made possible through the cooperation of Mr. Richard Wareing of the Ford Motor Company, who provided the transportation to the theater; Mr. Richard Mears, Manager of the United Artist Theater Corporation; and Metro-Goldwyn-Mayer Pictures; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature of the State of California do hereby convey to Mr. Richard Wareing, Mr. Richard Mears, and to Metro-Goldwyn-Mayer Pictures their sincere thanks and appreciation for their kindness in entertaining the children of the legislators at a showing of "The Glass Slipper"; and be it further

Resolved, That the Secretary of the Senate is directed to prepare and transmit suitable copies of this resolution to Mr. Richard Wareing, Mr. Richard Mears, and Metro-Goldwyn-Mayer Pictures.

CHAPTER 132

Assembly Concurrent Resolution No. 85—Relative to the establishment of a state college in the area of Napa and Solano Counties.

[Filed with Secretary of State, April 27, 1955.]

WHEREAS, The area of Napa and Solano Counties is situated in a locality of this State which is not now adequately served by any of the established state colleges; and

WHEREAS, This area, having attracted industry, business, and home builders by its excellent climatic conditions and geographic location, is one of the most rapidly growing regions in the State; and

WHEREAS, The opportunity of a college education is now being denied to many young men and women residing in this area who cannot afford the cost connected with living away from home in order to acquire such an education; and

WHEREAS, It is desirable that the Legislature have the benefit of a study of the need for the expansion of the system of publicly supported higher education in this State prior to the establishment of a state college in this area; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Education is directed to make a study of the need for the establishment of a state college in the area indicated in the recitals of this resolution and to set forth the results of the study and its recommendations in a report to be made to the Legislature not later than the fifth legislative day of the 1957 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Honorable Roy E. Simpson, Director of Education.

CHAPTER 133

Assembly Concurrent Resolution No. 100—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 twelfth day of April, 1955.

[Filed with Secretary of State, April 28, 1955.]

City of Piedmont. Charter amendment

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, Roy S. Milligan, President of the Council and ex officio Mayor of the City of Piedmont, State of California, and John D. Preston, 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 twenty-third (23rd) 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 third (3rd) day of February 1955, duly submitted to the qualified electors of said City of Piedmont a certain proposal for the amendment of the Charter of said City, to be voted on by said qualified electors at a Special Municipal Election held in said City on the twelfth (12th) day of April 1955, which said proposal was and is in the words and figures following, to-wit:

Shall Section 37 of the Charter of the City of Piedmont be amended to read as follows:

Section 37. 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, acquisition and improvement of parks, squares, public grounds, playgrounds and public libraries shall not exceed the rate of one dollar and eighty-five cents ($1.85) on each one hundred dollars valuation of the property assessed. The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended, provided no increase over said limit shall be made in any fiscal year, unless authorized by ordinance adopted by vote of the people. Tax limit

That said proposed amendment was 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 printed and published 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 third day of February, 1955, did order the holding of a Special Municipal Election on the twelfth (12th) day of April 1955, and did provide in said resolution for the submission of the proposed amendment 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 twelfth (12th) day of April, 1955, and at said election a majority of qualified electors, voting thereon, voted in favor of and the

ratification of, and did ratify the proposed amendment 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 amendment to said Charter as hereinabove set forth, and we and each of us further certify that we have compared the foregoing enclosed and ratified amendment to the Charter of the City of Piedmont with the original proposal, submitting the same to the electors of said City at the election held on the twelfth (12th) day of April 1955, 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 nineteenth (19th) day of April, 1955.

ROY S. MILLIGAN
(SEAL) President of the Council and ex officio Mayor of the City of Piedmont.

JOHN D. PRESTON
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

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 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.

CHAPTER 134

Senate Concurrent Resolution No. 64—Relative to the passing of the Honorable Frank Finley Merriam.

[Filed with Secretary of State, April 28, 1955.]

WHEREAS, The California Legislature has been informed of the death, on April 25th, of the Honorable Frank Finley Merriam; and

WHEREAS, The name of the Honorable Frank Finley Merriam has for many years been prominent in the affairs of the State of California, and has been so associated with outstanding public service, high character, and personal friendliness as to warrant more than passing note on the part of the people of the State; and

WHEREAS, The Honorable Frank Finley Merriam was born on a ranch in Iowa some four score and ten years ago, spent his boyhood on the farm, early manifested interest in public affairs, graduated from Lenox College, Hopkinton, Iowa, served for a short time as a school teacher, served two terms in the Iowa Legislature, and for four years as the auditor of his native state, published a newspaper in the Indian Territory, which later became Oklahoma, came to California in 1910 and continued serving in the newspaper field, during which time he took an active part in civic, religious, club and fraternal circles; and

WHEREAS, The Honorable Frank Finley Merriam was elected to the Assembly of the State of California in 1916 and served therein for 10 years, during four of which he presided as Speaker, and was in 1928 elected to the State Senate, in which office he served until he was elected Lieutenant Governor in 1930; and

WHEREAS, Upon the death of Governor James Rolph in 1934, Frank Finley Merriam became Governor of the State of California, to which office he was subsequently elected for a four-year term; and

WHEREAS, The Honorable Frank Finley Merriam was a member of the Masons, Knights of Pythias, Elks, Kiwanis, Ad Club, Iowa Association, Presbyterian Church, and numerous other organizations; and

WHEREAS, The Honorable Frank Finley Merriam was a man of high personal character, cordiality, and warm personal temperament, claiming hosts of friends among people of all social circles and all walks of life; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California mourns the passing of this distinguished citizen, and desires by this resolution to convey its sympathy to bereaved members of his family, and to pay tribute to his fine character and good works; and be it further

Resolved, That when the Legislature shall cease from its labors on this, the twenty-sixth day of April, 1955, it shall do so in honor of the Honorable Frank Finley Merriam; and be it further

Resolved, That the Secretary of the Senate be directed to forward suitably engrossed copies of this resolution to bereaved members of the family of the Honorable Frank Finley Merriam.

CHAPTER 135

Assembly Joint Resolution No. 21—Relative to the use of the word "California" on labels of garments manufactured by out-of-state garment manufacturers.

[Filed with Secretary of State, May 2, 1955.]

WHEREAS, The Legislature of the State of California, in 1953, by Assembly Joint Resolution No. 5, requested that the Federal Trade Commission investigate all instances of the use of the word "California" on labels by firms in the apparel industry other than those who actually manufactured such apparel in California, and in the proper cases, issue cease and desist orders; and

WHEREAS, The commission is to be commended for its prompt and vigorous action in this regard; and

WHEREAS, In the interest of a better informed public the commission should publish a report on such activities; and

WHEREAS, Since, however, there are still some firms that are mislabeling their products in an attempt to capitalize on the sales value of the word "California," the commission should not relax its vigil; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California does hereby congratulate the Federal Trade Commission on its activities to date, urges it to publish a report of such activities, and finally, to continue unabated its good work; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Federal Trade Commission.

CHAPTER 136

Assembly Joint Resolution No. 31—Memorializing Congress to take appropriate steps to alleviate certain burdensome conditions imposed on the State in connection with the extension of old age and survivors' insurance to public employees therein.

[Filed with Secretary of State, May 2, 1955.]

WHEREAS, There are some 580 local public agencies now extending the benefits of the federal old age and survivors' insurance program to their employees, through contracts with the State, and by the State on their behalf with the Federal Government; and

WHEREAS, The 1954 amendments to the Federal Social Security Act, which permits the extension of such coverage to employees in positions covered by retirement systems, will affect an estimated additional 400,000 public employees in approximately 3,500 separate local agencies in the State; and

WHEREAS, The federal law makes the extension of such coverage to such employees dependent upon action by the State, in giving notice to the separate groups of employees, and in supervising or conducting a referendum by secret written ballot within each such group; and

WHEREAS, The federal law, or the administrative interpretation thereof, requires that as to each separate group of such employees the Governor of the State must personally certify to the fulfillment of all such conditions, without permitting the delegation of such function; and

WHEREAS, The provisions of the federal law require that the State assume all obligations of an employer with respect to all public employees in the State to whom such coverage is made applicable; and

WHEREAS, A private employer is allowed one month following the close of a reporting period within which to file his report and remittance to avoid penalty, while the State must within the same period, allow the local agencies in the State having such coverage time to prepare their returns and transmit them to the State, after which the State in the remaining portion of said one-month period, must in conformity with federal regulations compile and consolidate the reports and returns of each separate public agency and transmit the same to the appropriate federal agency together with remittance to cover, thus having an effective filing period, if delinquent penalties are to be avoided, which is less than that accorded private employers; and

WHEREAS, The federal law which prohibits the Federal Government in the absence of fraud from assessing a private employer for delinquent contributions after three years is held not to apply to the obligations of the State, thus subjecting the State acting on behalf of numerous local agencies, to contingent liability for unreported and unpaid contributions without limit as to retroactive effect; and

WHEREAS, Such provisions of law and of administrative regulations and interpretations are discriminatory and impose undue hardship on the State and public agencies and impede the efficient administration of the provisions of the federal act; 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 urged to take appropriate steps to alleviate the conditions referred to herein; and specifically:

(a) To permit the responsibility for certifying the adequacy and results of any and all referendums required under the act to be delegated by the Governor.

(b) To permit the State a reporting period without penalty of at least 45 days after the close of the reporting period.

(c) To provide a statute of limitation that will afford this State the same relief from retroactive contributions that is now enjoyed by private employers; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and transmit copies of this resolution to the President and the 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 Secretary of Health, Education, and Welfare.

CHAPTER 137

Assembly Concurrent Resolution No. 20—Relative to the exchange of surplus state land.

[Filed with Secretary of State, May 2, 1955.]

WHEREAS, Ten acres of state-owned land located near Fresno and formerly used by Fresno State College has been declared to be in excess of the needs of the college; and

WHEREAS, This property was given to the State for the purpose of benefiting the college; and

WHEREAS, The Director of Finance was authorized by Chapter 1668, Statutes 1953, Regular Session, to sell, exchange or otherwise dispose of this property; and

WHEREAS, The Fresno State College Foundation has proposed the exchange of this property for other property of equivalent value; and

WHEREAS, Officials of the college are of the opinion that this exchange would be most advantageous to the college since it would provide much needed parking facilities adjacent to the campus and to fraternity and sorority houses located contiguous to the campus; and

WHEREAS, The completion of the proposed exchange of the state-owned property, described as follows, to wit:

Commencing 908 feet, south 56° 44′ east of Government Meander Corner on left bank of San Joaquin River and on north line of Section 31, thence south 81° 5′ east, 188 feet; thence north 0° 22′ west, 264.8 feet; thence south 66° 56′ east, 580 feet; thence south 0° 22′ east, 591 feet; thence north 81° 17′ west, 540 feet; thence north 77° 47′ west, 189 feet; thence north 22 minutes west, 462 feet to commencement, an area of approximately 10 acres in Section 31, Township 12 South, Range 20 East, M. D. B. & M., for the foundation-owned property, described as follows, to wit:

Three acres (more or less) at the north end of the east 660 feet of west 820 feet of NE¼ of NE¼ of Section 13, Township 13 South, Range 20 East, M. D. B. & M., appears to be in the best interest of the college and of the State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Director of Finance is

hereby requested to consummate the proposed exchange for the purposes mentioned; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and transmit copies of this resolution to the Governor of the State of California, and to the Director of Finance.

CHAPTER 138

Assembly Concurrent Resolution No. 94—Relative to commending Dr. Jonas E. Salk for his discovery of a successful polio vaccine.

[Filed with Secretary of State, May 2, 1955]

WHEREAS, In the midst of war and tragedy the world now shares the fruit of a great victory of science, a victory achieved in the name of all mankind regardless of race, creed, or national origin, won in the name of mercy and peace, by the untold sacrifices, labors, sufferings, and disappointments of the noble men and women of science who have lived surrounded by death and horrible disease, that they might conquer poliomyelitis, the dread killer of man and destroyer of the lives and bodies of hapless children; and

WHEREAS, The personification of the achievement of science is now in the person, the name, and the genius of Dr. Jonas E. Salk, who this week has given to the world the greatest yet, perhaps, of scientific discoveries, whose name will be ranked in the annals of medicine with the noblest of his profession; and

WHEREAS, Doctor Salk has brought pride and honor not only to the legions of science, but to American medicine as well, in living and indisputable proof of the great resources of our Nation at work for the peace of the world and the advancement of all mankind; and

WHEREAS, Millions of persons will now live in freedom of the fear of one of the most horrible scourges of our time, and untold generations of children will grow and prosper in health and strength, in living gratitude to this noble man to whom belongs the honor of and gratitude of his Nation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is truly proper that in the name of the Sovereign State of California, this Legislature should extend, and this Legislature hereby does extend, to Dr. Jonas E. Salk, the sincere gratitude of the citizenry of this great and populous State, aware that we ourselves, and especially our millions of children, will share amply in the fruits of his great achievement, and aware that the general welfare of our State will be enhanced in the increased health and peace of our people which surely will flow from his great discovery; and be it further

Resolved, That this Legislature does hereby take solemn notice of Doctor Salk's momentous achievement, and does hereby tender to him the sincerest congratulations of the people of the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly of California shall prepare and transmit a suitably prepared copy of this resolution to Dr. Jonas E. Salk.

CHAPTER 139

Assembly Concurrent Resolution No. 95—Relative to urging contributions in order to combat multiple sclerosis.

[Filed with Secretary of State, May 2, 1955.]

WHEREAS, Multiple sclerosis is a most mysterious and tragic disease which strikes principally at young adults between the ages of 18 and 40 years, turning sturdy men and women in the full flower of life and on the verge of creative life into shuffling, staggering and often helpless invalids; and

WHEREAS, According to conservative estimates, at least 250,000 Americans are painfully afflicted with this dreadful disease; and

WHEREAS, No cure has yet been discovered for multiple sclerosis, although its existence has been known to men of science and medicine for over three centuries; and

WHEREAS, In an effort to assist those suffering from the disease, as well as find a cure, the California chapters of the Multiple Sclerosis Society have been coordinating the services rendered by other organizations in this field, making them known to multiple sclerosis patients, and have engaged in numerous research projects; and

WHEREAS, These chapters of the Multiple Sclerosis Society intend to initiate a program of patient cure through home cure, diagnoses, and transportation to and from clinics, and also provide drugs and occupational therapy in addition to equipment such as wheelchairs and walkers; and

WHEREAS, In carrying out this ambitious and worthwhile program, these chapters have been seriously handicapped by lack of funds and are presently appealing to the public to contribute greatly needed dollars; 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 urge the people of California to contribute generously to the Multiple Sclerosis Society so that they may combat multiple sclerosis more effectively as well as care for the innocent victims of this crippling disease.

CHAPTER 140

Assembly Concurrent Resolution No. 97—Relative to congratulating Mechanics' Institute of San Francisco on one hundredth anniversary.

[Filed with Secretary of State, May 2, 1955.]

WHEREAS, The Mechanics' Institute, San Francisco's first library and pioneer venture in industrial education, will celebrate its one hundredth anniversary this month; and

WHEREAS, A group of mechanics, headed by a foundry builder, George Gluyas, decided that if San Francisco was to have the backbone of technically trained manpower that was essential for permanent industry, it was necessary to form an institute which would teach, train and educate tradesmen, and as a result thereof on April 24, 1855, the Mechanics' Institute was formally incorporated; and

WHEREAS, By the end of the first year the institute had held an immensely popular series of free lectures for workingmen, had organized a debating society, and had amassed a library of 487 volumes; but in the following year, due to civil strife and lawlessness in San Francisco, the institute almost became a thing of the past; and

WHEREAS, Julia Dean Hayne, a lovely theatrical star of the time, gave a benefit performance for the Mechanics' Institute and rescued it from certain doom; the proceeds of this benefit were used to pay off debts and give the institute new life, so that it could successfully continue on the path it had started to follow, that of stimulating the development of industrial plants in San Francisco; and

WHEREAS, In 1857 the institute began perhaps the most spectacular of all its activities, the Mechanics' Fairs, which were highly successful and attended by great multitudes of people, and which for 32 years showed the industrial dominance of the city; and

WHEREAS, The Great Fire of 1906 destroyed the institute's headquarters, pavilion, and library of 200,000 books, but it was only three months later that the Mechanics' Institute was again in full operation at temporary quarters and had reopened its library with 5,000 books donated from various libraries throughout the United States; and today with a membership of 5,000, the institute has a library of 155,000 books plus a vast number of documents, and has an outstanding collection of technical and scientific reference works; and

WHEREAS, While the growth of the University of California replaced the need for technical classes by the institute, the institute still participates in California's industrial education program through its president who is an ex officio member of the university's board of regents; 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 extends its sincere and heartiest congratulations to the Mechanics' Institute of San Francisco upon its one hundredth anniversary of beneficial and valuable service to the community; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and transmit suitably engrossed copies of this resolution to the President of Mechanics' Institute, Mr. William Gladstone Merchant, and to the Librarian, Mr. John C. Stump.

CHAPTER 141

Assembly Concurrent Resolution No. 101—Relative to the Third Biennial Press-Legislature Golf Tournament.

[Filed with Secretary of State, May 2, 1955]

WHEREAS, The Third Biennial Press-Legislature Golf Tournament was conducted at Haggin Oaks Golf Course on Sunday, April 24, 1955; and

WHEREAS, The members of the press, in conducting this tournament for Members of the Legislature, did an exceedingly fine job and brought a great deal of pleasure to all who participated in the tournament; and

WHEREAS, The participating Members of the Legislature by reason of their participation in the tournament are enabled to return to their tasks with renewed vigor and freshness of mind; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of this Legislature take this means to extend their sincere thanks to the members of the press for sponsoring the Third Biennial Press-Legislature Golf Tournament; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Earl C. Behrens, President of the Capital Correspondents Association.

CHAPTER 142

Assembly Concurrent Resolution No. 103—Relative to Right Reverend Monsignor Matthew F. Connolly and his office and title of Catholic Port Chaplain of the Port of San Francisco, and Director of the Apostleship of the Sea.

[Filed with Secretary of State, May 2, 1955.]

WHEREAS, Ever since the day in the year of 1775 that the packet San Carlos, the first seagoing ship to drop anchor in the great harbor, the Port of San Francisco, landed its chaplain along with other members of its crew, the Port of San Fran-

cisco has had a spiritual leader performing the duties and services of a chaplain; and

WHEREAS, The way of men who have gone down to the sea in ships has always been perilous, hard and lonely, and the task of furnishing these seafarers, who arrive at the Port of San Francisco from all the continents of the globe, with spiritual inspiration, moral encouragement, friendly counsel, and wholesome entertainment and recreation is a complex and gigantic one; and

WHEREAS, The Apostleship of the Sea, one of 10 in the United States, was established at the Port of San Francisco, California, during the year of 1932, to seat the chaplain and meet this challenge of providing for the merchant seamen a home away from home; a place where they could find human ties which every normal person requires and needs; a place where in that great city unfamiliar to them, they could find peace and quiet, decent recreation and companionship; a clean, safe place in which to eat, sleep, and relax; and a chaplain to whom they could turn for helpful advice and aid with their personal problems, regardless of race, color and creed; and

WHEREAS, Today, under the direction and leadership of Right Reverend Monsignor Matthew F. Connolly, Chaplain for the Port of San Francisco since 1948, it is recognized by people of all walks of life that the Apostleship of the Sea is one of the greatest of the 317 Apostleships of the Sea on the shores of the Seven Seas; and

WHEREAS, Universally the work and services for the seamen being carried out under the direction of Monsignor Matthew F. Connolly are recognized as among the most potent forces for implementing the doctrines which strike at the heart of Communism in the world through the men who go to sea; and

WHEREAS, The State of California's welfare and continued growth of its factories, its farms, and its people indispensably need the commerce that flows through her harbors, and Monsignor Matthew F. Connolly's aid to this transport is a major civic enterprise going far beyond any sectarian genesis; and

WHEREAS, Monsignor Matthew F. Connolly has won the trust and confidence of both labor and management and provides at the Apostleship of the Sea a common meeting place where employer and employee can and do meet, thereby establishing understanding and friendship that rarely, if ever, are achieved across the bargaining table; and

WHEREAS, The well-being of the seafaring men whose occupation brings them to our shores is intertwined with a chaplain who has

(a) Set up and maintained a merchant seamen's club;

(b) Provided social, recreational and spiritual programs for the benefit of seamen;

(c) Supplied ships with the necessary appointments for religious services aboard;

(d) Been available for personal interviews with seamen;

(e) Called on the sick in marine hospitals and living quarters;

(f) Furnished religious instructions when appropriate;

(g) Conducted public worship;

(h) Known of the social services available to seamen and families;

(i) Understood seamen and their special problems;

(j) Stood ready to participate in all functions pertaining to the maritime industry where religious invocation is requested;

(k) Arranged funerals, performed marriages, and arranged and performed all other ecclesiastical services that have been required within the scope of his office and title; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That, in recognition of the office and title of Catholic Port Chaplain of the Port of San Francisco, Right Reverend Monsignor Matthew F. Connolly, the Director of the Apostleship of the Sea, receives the honor of designation of this high office and title; and be it further

Resolved, That the Legislature of the State of California does hereby respectfully request that the Governor of the State of California inform Right Reverend Monsignor Matthew F. Connolly of this recognition of the work of the Apostleship of the Sea and of the office of Catholic Port Chaplain of the great Port of San Francisco in the State of California and transmit to him a suitably prepared copy of this resolution; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the State Board of Harbor Commissioners for San Francisco Harbor, to the Honorable Elmer E. Robinson, Mayor of San Francisco, and to the Apostleship of the Sea at San Francisco.

CHAPTER 143

Assembly Concurrent Resolution No. 104—Relative to approving amendments to the charter of the City of Riverside, a municipal corporation in the County of Riverside, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twelfth day of April, 1955.

[Filed with Secretary of State, May 2, 1955.]

City of Riverside: Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the charter of the City of Riverside, a municipal corporation in the County of Riverside, 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 ADOPTION OF AN AMENDMENT TO THE CHARTER OF THE CITY OF RIVERSIDE
(Section 706)

STATE OF CALIFORNIA
COUNTY OF RIVERSIDE } ss
CITY OF RIVERSIDE

Certificate

We, the undersigned, Edward V. Dales, Mayor of the City of Riverside, State of California, and Winfield G. Waite, City Clerk of said City and ex officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That at all times since the 21st day of April, 1953, the City of Riverside has been and now is a municipal corporation and city in the County of Riverside, State of California, containing a population of more than 3,500 inhabitants, and organized and existing under a charter adopted pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California and approved by the Legislature by Assembly Concurrent Resolution No. 8, adopted in Assembly January 12, 1953, and in Senate January 15, 1953, and filed with the Secretary of State February 4, 1953.

That the legislative power of said City is vested in a City Council consisting of seven (7) members; and that the City Clerk of said City is ex officio Clerk of the legislative body of said City.

There is no official newspaper of said City. The Riverside Daily Press hereinafter mentioned is a daily newspaper of general circulation within said City and printed and published therein.

That at all times herein mentioned Edward V. Dales has been and now is the duly elected, qualified and acting Mayor of said City of Riverside; and Winfield G. Waite has been and now is the duly appointed, qualified and acting City Clerk of said City.

That the City Council of said City, on its own motion, by Resolution No. 6561, adopted February 23, 1955, submitted to the electors of said City a proposal to amend its Charter as hereinafter mentioned, to be voted on as a measure at the General Municipal Election to be held in said City on April 12, 1955. Said proposal is in words and figures as follows:

Shall Section 706 of the Charter of the City of Riverside be amended to read as follows?

Section 706. Planning Commission. Established. There shall be a Planning Commission consisting of nine members. The City Engineer and City Attorney, or their assistants, shall meet with and participate in the discussions of the Planning Commission but shall not have a vote.

That the City Council caused said proposed charter amendment to be published in the Riverside Daily Press on March 2, 1955, and in each edition thereof during said day; and also caused copies of such proposed charter amendment to be printed in convenient pamphlet form in type of not less than 10-point and mailed to each of the qualified electors of said City on March 25, 1955; and also caused a notice that copies of said proposed charter amendment could be had upon application at the office of the City Clerk of said City to be published in every edition of said Riverside Daily Press during the period of time beginning March 2, 1955, and ending April 12, 1955.

That Sections 1000 and 1002 of the Charter of the City of Riverside provide as follows:

"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 odd numbered year commencing with the year 1955."

"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."

No other procedure has been provided.

That the City Council adopted a Resolution No. 6560 on February 23, 1955, ordering, providing for and giving notice of the General Municipal Election to be held in said City on April 12, 1955; and the City Clerk duly published Notice of Election, which included said proposed charter amendment as a measure, in said Riverside Daily Press on the 4th and 11th days of March, 1955; and the City Clerk duly published Notice of Measures to be Voted on, which included a synopsis of the charter amendment measure, in said Riverside Daily Press on March 31st and April 7th, 1955.

That the General Municipal Election was duly held in said City on Tuesday, April 12, 1955, and the voters voted upon said measure to amend the Charter. On Tuesday, April 19, 1955, the City Council of said City met in a duly adjourned regular meeting at its regular place of meeting and canvassed the returns of said election and canvassed and counted the absent voters ballots. It was found and determined that the voters voting on said measure at said election cast 9273 votes in favor of the amendment and 2741 votes against the amendment, and that the amendment was ratified by the votes of a majority of the electors who voted on said measure.

That the City Council thereupon and on April 19, 1955, adopted a Resolution No. 6621 reciting the fact of said election and the matters enumerated in Section 9919 of the Elections

Code, and the City Clerk thereupon entered upon the records of the City Council a statement of the result of such election.

That the amendment to the Charter as so proposed and ratified is in words and figures as follows:

Section 706. Planning Commission. Established. There shall be a Planning Commission consisting of nine members. The City Engineer and City Attorney, or their assistants, shall meet with and participate in the discussions of the Planning Commission but shall not have a vote. Planning commission established

We do further certify that the foregoing constitutes a full, true and correct statement of the actions and proceedings had by the City of Riverside and its City Council and City Clerk in the matter of submitting the proposal to amend the City Charter and in calling, noticing and conducting the election and canvassing the returns and declaring the results thereof.

In Witness Whereof we have hereunto set our hands and affixed the seal of the City of Riverside this 22nd day of April, 1955.

E. V. DALES
(SEAL) Mayor of the City of Riverside
ATTEST: W. G. WAITE
City Clerk of the City of Riverside

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 Riverside 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 Riverside. Approval

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CHAPTER 144

Senate Concurrent Resolution No. 52—Relative to accreditation of state colleges' engineering curricula.

[Filed with Secretary of State, May 2, 1955.]

WHEREAS, There is in the Department of Professional and Vocational Standards a State Board of Registration for Civil and Professional Engineers; and

WHEREAS, It is unlawful for anyone other than a professional engineer registered with this board to stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a professional engineer, or to use in any manner 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 with said board; and

WHEREAS, Application for registration as a professional engineer must be made to said board on the form prescribed by it; and

WHEREAS, An applicant for registration must furnish evidence of six years or more of experience in engineering work satisfactory to said board; and

WHEREAS, Graduation from an engineering school or college where the curriculum has been approved by said board shall count as four years of experience; and

WHEREAS, The State of California through the State Board of Education has established engineering curricula in several of the state colleges; and

WHEREAS, These curricula have been established to contribute to the welfare of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Board of Registration for Civil and Professional Engineers is hereby requested to accept applications for engineering curriculum approval from the several state colleges, to act upon such applications without making approval by said board contingent upon approval by any professional organization or other agencies, and to consider approval of a curriculum by said board as synonymous with accreditation of that curriculum; and be it further

Resolved, That the Secretary of Senate transmit a copy of this resolution to the Director of Professional and Vocational Standards and to the State Board of Registration for Civil and Professional Engineers.

CHAPTER 145

Senate Concurrent Resolution No. 65—Approving amendment 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 eleventh day of April, 1955.

[Filed with Secretary of State, May 3, 1955.]

City of Chico· Charter amendment

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of a certain amendment 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,
CITY OF CHICO. } ss.

Certificate

We, the undersigned, Theodore Meriam, Mayor of the City of Chico, and Deming Hobart, 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 15th day of February, 1955, and duly published in the manner and form required by law, duly proposed to the qualified electors of the City of Chico a certain amendment to the Charter of said City, and order that said amendment be submitted to the qualified electors of said City on the 11th day of April, 1955 at the General Municipal Election to be held in said City, 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 amendment proposed.

That the proposed amendment was duly and regularly published and advertized on the 26th day of February, 1955, 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.

That copies of said proposed amendment to said Charter were printed in convenient pamphlet form, and from the date of the first publication of said proposed amendment until the date fixed for the election on said Charter amendment, 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. 495, dated March 22, 1955, entitled: "An ordinance calling for the holding of a municipal election on Monday, April 11, 1955, fixing the time, stating the objects of such election, designating the officers of the election precincts, consolidating regular election precincts, and designating the polling place of each consolidated precinct" order the holding of the general municipal election of the said City of Chico on the 11th day of April, 1955, for the purpose, among other things, of causing a vote upon the ratification of said proposed charter amendment, 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 amendment; 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 30, 1955, and April 6, 1955, 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 Amendment to the Charter of the City of Chico."

That said General Municipal Election was held in the City of Chico on the 11th day of April, 1955, which said day was not less than forty days nor more than sixty days after the publication of the "Resolution That Proposed Amendment to the Charter of the City of Chico be Submitted to the Voters of Said City in the General City Election to be Held in said City on April 11, 1955, in the "Chico Enterprise-Record" on February 26, 1955.

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:

ON PROPOSITION NO. 1

Total ballots cast	2466
Total number of votes cast upon ratification of said proposed Charter Amendment	2466
In favor of the ratification of said proposed Charter Amendment	1490
Against the ratification of said proposed Charter Amendment	976

That at the said General Municipal Election held on the 11th day of April, 1955, as aforesaid, the said proposed Charter amendment was ratified by a majority of the qualified electors of said City voting thereon.

That the Charter amendment so ratified by the qualified electors of the City of Chico is now submitted to the Legisla-

ture 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 is in words and figures as follows:

PROPOSITION NO. 1

Section 1. That Article IV of the Charter of the City of Chico be amended by adding thereto a new section to be numbered Section 22.1 and entitled, "Adoption of Ordinances by Reference," to read as follows:

"Section 22.1. Adoption of Ordinances by Reference. Ordinances establishing rules and regulations for the construction of buildings, the installation of plumbing, the installation of electrical wiring, the installation of outdoor signs and wiring, or other similar work, and governing conditions hazardous to life and property from fire, and governing subdivisions, and a code of existing and properly adopted ordinances, where such rules and regulations or ordinance codes have been printed as a code or codes in book form, may be adopted by reference to such code or codes, or portions thereof, in the manner provided by the general laws of the State." Ordinance adoption by reference

We further certify that we have compared the foregoing proposed and ratified amendment 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 18th day of April, 1955.

(SEAL)

THEODORE MERIAM
Mayor of the City of Chico
DEMING HOBART
Clerk of the City of Chico

WHEREAS, The said proposed charter amendment 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 VIII, 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 amendment 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. Approval

CHAPTER 146

Senate Concurrent Resolution No. 67—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 general election held thereon on the twelfth day of April, 1955.

[Filed with Secretary of State, May 3, 1955]

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.

Certificate

We, the undersigned, George C. Blair, Mayor of the City of San Bernardino, and Jack T. Felton, 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 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 Resolution Nos. 3425 and 3405, 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, said Charter amendments being designated as proposed Charter Amendment No. 1, Proposed Charter Amendment No. 2 and Proposed Charter Amendment No. 4, to be voted upon by said qualified electors at the general election called and held for that purpose in said City on the 12th day of April, 1955.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, having received an initiative petition for the submission of a Charter amendment, signed by more than 15% of the registered electors of said City, the Council of the City of San Bernardino by Resolution No. 3393, duly and regularly submitted to the

qualified electors of the said City of San Bernardino that certain proposed amendment to the Charter of the City, said Charter amendment being designated as Proposed Charter Amendment No. 3, to be voted upon by said qualified electors at the general election called for and held in said City on the 12th day of April, 1955.

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 23rd day of February, 1955, 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 February, 1955, and thereafter in each and every issue of said newspaper up to and including April 11, 1955, the day before 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 12th day of April, 1955, the day fixed for said election.

That said general municipal election was held in the City of San Bernardino on the 12th day of April, 1955, 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 Proposed Charter Amendments Nos. 1, 2 and 3, hereinafter specifically set forth and did reject Proposed Charter Amendment No. 4, 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 general election, as determined from the canvass of the returns thereof, to be that a majority of the qualified voters of said City voting on each of said proposed Charter amendments hereinafter set forth and designated as Proposed Charter Amendment No. 1, Proposed Charter Amendment No. 2 and Proposed Charter Amendment No. 3, 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. 1

"It is hereby proposed that Section 55 of the City Charter be amended to read as follows:

Office of city attorney

(a) The office of City Attorney shall be a full-time position, and the incumbent shall not engage in private practice.

(b) To be eligible to hold the office of City Attorney, the person elected or 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 five years prior to his election or appointment, and shall have been an elector of the City for at least two years prior to his election or appointment.

(c) In the event a vacancy shall occur in the office of City Attorney during his term, such vacancy shall be filled by appointment by the Mayor and Common Council, which appointment shall be valid until the next general municipal election, at which time a City Attorney shall be elected for the remainder of any unexpired term, or for a full term in accordance with Article II of this Charter.

(d) The City Attorney shall be the chief legal officer of the City; he shall represent and advise the Mayor and Common Council and all City officers in all matters of law pertaining to their offices; he shall represent and appear for the City in all legal actions brought by or against the City, and prosecute violations of City ordinances and such other misdemeanor offenses as authorized by law; he shall also act and appear as attorney for any City officer or employee who is a party to any legal action in his official capacity; he shall attend meetings of the City Council, draft proposed ordinances and resolutions, give his advice or opinion in writing when requested to do so in writing by the Mayor or Common Council or other City official upon any matter pertaining to municipal affairs; and otherwise to do and perform all services incident to his position, required by statute, this charter or general law.

(e) The salary of the City Attorney shall be fixed by the Mayor and Common Council, but shall be not less than $7,500.00 per annum. He shall be provided with office space and equipment, and clerical help by the City.

(f) Section 24-C of Article II of this Charter is hereby repealed.

(g) This amendment of Section 55 of the City Charter shall go into effect on the second Monday in May, 1959, unless a vacancy shall occur in the office of the City Attorney subsequent to the municipal election of April 12, 1955, in which event it shall go into effect immediately upon such vacancy arising.

PROPOSED CHARTER AMENDMENT NO. 2

It is hereby proposed that a new section be added to the City Charter, numbered Section 14-A, reading as follows:

Common council Vacancy

A vacancy in the Common Council, from whatever cause arising, shall be filled by appointment by the Mayor and Common Council, such appointee to be from the ward in question, and to hold office until the second Monday of May following the next general municipal election. At the next general municipal election following any such vacancy, a resident of the ward in question shall be elected to the Common Council, to serve for the remainder of any unexpired term.

PROPOSED CHARTER AMENDMENT NO. 3

It is hereby proposed that Section 181-A of the City Charter be repealed and that a new section be added to said Charter of said City to be designated Section 186 and to read as follows, to wit:

Standard for fixing salaries, etc., of police and fire department employees

Section 186. There is hereby established for the City of San Bernardino a basic standard for fixing salaries, classifications, and working conditions of the employees of the police and fire departments of the City of San Bernardino, and the Mayor and Common Council in exercising the powers and control over these departments vested in them by this Charter shall hereafter be guided and limited by the following provisions:

FIRST: Classification

Classification

The following classes of positions are hereby created in the Fire Department and Police Department of the City of San Bernardino, and the code numbers, titles, and salaries as hereinafter set forth are hereby established and fixed for such classes of positions. The letter "P" represents "Position," and the five steps in Positions 1, 2, and 3 being represented by the letters "a," "b," "c," "d," and "e" are: "a" designating the first six months of service in the respective departments, "b" designating the following eighteen months of service in the respective departments, "c" designating the third year of service in the respective departments, "d" designating the fourth year of service in the respective departments, and "e" designating the fifth and all subsequent years of service. Advancements in salary shall be made automatically step by step after each step of aggregate active service in the department in which the member is employed. From the effective date of this charter amendment, each person employed in the Fire Department and Police Department shall be entitled to receive for his services in his position the applicable respective rate or rates of compensation prescribed for the class in which his position is allocated. Additional titles may be established by the Mayor and Common Council but all regular employees of the Police and Fire Departments except clerical employees

shall be placed in one of the following classes of position. Any new titles shall be placed in the classification having the most nearly equal duties and responsibilities.

CLASS OF POSITION

Classifications No.	Title	
	Fire	Police
P1 (steps a, b, c, d, and e)	Fireman, Dispatcher, (formerly designated Fire Alarm Operator)	Patrolman, Assistant Humane Officer, Traffic Officer, License Inspector
P2 (steps a, b, c, d, and e)		Juvenile Officer, Detective, Senior Identification Inspector
P3 (steps a, b, c, d, and e)	Engineer	Sergeants, Humane Officer
P4	Captains, Assistant Fire Prevention Engineer	Lieutenants
P5	Battalion Chiefs, Drill Master, Fire Prevention Engineer, Master Mechanics	Captains, Superintendent of Records and Identification, Supervising License Inspector
P6	Assistant Chief	Assistant Chief
P7	Chief	Chief

SECOND: Basic Salary Schedule

Basic salary schedule

(a) On the second Monday following approval of this charter amendment by the State Legislature, the monthly salaries of employees of the San Bernardino Police and Fire Departments included in classification P1, steps "a" through "e" shall be fixed for the balance of the then current fiscal year, and thereafter the monthly salaries of said employees shall be fixed annually at the beginning of each fiscal year commencing on July 1, 1955 and annually on July 1 of each succeeding year, at an amount of not less than the average of the monthly salaries, including increased cost of living bonuses, and all other financial remuneration by whatever other name known, paid or approved for payment to employees of like or the most nearly comparable position of the Police and Fire Departments of the Cities of Riverside, South Gate, Burbank, Long Beach, and Los Angeles during the fiscal year (or portion thereof), commencing on said date. If any of these cities has a fiscal year starting on a date other than July 1 or on July 1 of the current year has not yet fixed the salaries for the following year, the salaries actually being paid in such city on that date shall be used as the salaries for that city in computing the average salary paid by the five cities. The salary paid in step "a" shall be the same as the average of the starting salaries of the Comparable Position in the five cities listed and the salary paid in step "e" shall be the same salary as the average of the top salaries paid in the Comparable Position in the five cities listed,

and the salaries paid in steps "b," "c," and "d" shall be fixed at an amount which will cause employees in the San Bernardino Police and Fire Departments to advance from the starting step to the maximum pay step in approximately equal salary advances.

(b) On the second Monday following approval of this charter amendment by the State Legislature, the monthly salaries of employees of the San Bernardino Police and Fire Departments included in classification P2, steps "a" through "e" shall be fixed for the balance of the then current fiscal year, and thereafter the monthly salaries of said employees shall be fixed annually at the beginning of each fiscal year commencing on July 1, 1955 and annually on July 1 of each succeeding year, at an amount of not less than five per cent over and above the salaries fixed for payment during the same fiscal year to employees in Classification P1 with the same total period of service in the departments.

(c) On the second Monday following approval of this charter amendment by the State Legislature, the monthly salaries of employees of the San Bernardino Police and Fire departments included in classification P3, steps "a" through "e" shall be fixed for the balance of the then current fiscal year, and thereafter the monthly salaries of said employees shall be fixed annually at the beginning of each fiscal year commencing on July 1, 1955 and annually on July 1 of each succeeding year, at an amount of not less than five per cent over and above the salaries fixed for payment during the same fiscal year to employees in Classification P2 with the same total period of service in the departments.

(d) On the second Monday following approval of this charter amendment by the State Legislature, the monthly salaries of employees of the San Bernardino Police and Fire departments included in Classification P4, shall be fixed for the balance of the then current fiscal year, and thereafter the monthly salaries of said employees shall be fixed annually at the beginning of each fiscal year commencing on July 1, 1955 and annually on July 1 of each succeeding year, at an amount of not less than ten per cent over and above the salaries fixed for payment during the same fiscal year to employees in the highest salary step in Classification P3.

(e) On the second Monday following approval of this charter amendment by the State Legislature, the monthly salaries of employees of the San Bernardino Police and Fire departments included in Classification P5, shall be fixed for the balance of the then current fiscal year, and thereafter the monthly salaries of said employees shall be fixed annually at the beginning of each fiscal year commencing July 1, 1955 and annually on July 1 of each succeeding year, at an amount of not less than ten per cent over and above the salaries fixed for payment during the same fiscal year to employees in Classification P4.

(f) On the second Monday following approval of this charter amendment by the State Legislature, the monthly salaries of employees of the San Bernardino Police and Fire departments included in Classification P6, shall be fixed for the balance of the then current fiscal year, and thereafter the monthly salaries of said employees shall be fixed annually at the beginning of each fiscal year commencing July 1, 1955 and annually on July 1 of each succeeding year, at an amount of not less than fifteen per cent over and above the salaries fixed for payment during the same fiscal year to employees in Classification P5.

(g) On the second Monday following approval of this charter amendment by the State Legislature, the monthly salaries of employees of the San Bernardino Police and Fire departments included in Classification P7, shall be fixed for the balance of the then current fiscal year, and thereafter the monthly salaries of said employees shall be fixed annually at the beginning of each fiscal year commencing on July 1, 1955 and annually on July 1 of each succeeding year, at an amount of not less than twenty-five per cent over and above the salaries fixed for payment during the same fiscal year to employees in Classification P6.

THIRD: Special Salary Provisions.

Special salary provisions

The following special provisions shall apply in addition to the compensation received in accordance with the above salary positions:

(a) Police Department: An employee of the Police Department, assigned to the traffic division shall receive compensation during the period of assignment at the rate of $30.00 per month in addition to the position and step to which he is normally entitled as extra-hazard pay for motor duty. The Police Chief shall certify that such assignment has been made.

(b) Police and Fire Departments: Any employee of the Fire and Police Departments temporarily acting in a position in a higher rank during periods of absence of the incumbent or during a vacancy in the position for more than ten consecutive working days or five consecutive shifts, shall receive the same salary for the higher rank to which he would be entitled, were he promoted to that rank during the period in which the employee is acting in the higher rank. The Chief of the department in which the assignment to the higher rank occurs shall certify as to the assignment and the period of time worked in the higher rank.

FOURTH: Work Week.

Work week

(a) The regularly scheduled work day for regular employees of the Police Department whose duties are those of a regular police officer shall be eight (8) hours in a day, and the average work week shall be five (5) days in a week. The Chief of the Police Department shall schedule and assign such hours

and days in accordance with the needs of the Department. All hours worked, including Court time, by any regular policeman in excess of the average work week shall be repaid to said policeman at the rate of one hour time off for each hour worked in excess of said average work week.

(b) The average work week for all regular firemen shall not exceed sixty-three (63) hours per week, and the average work week for the Drill Master, Master Mechanic, Captain, Fire Alarm Bureau, men assigned to the Fire Prevention Bureau, and such additional positions as shall hereafter be designated by resolution of the Common Council, shall be forty (40) hours in a week. However, all hours worked by any regular fireman in excess of the average work week shall be repaid to said fireman by straight time base pay compensation for each hour worked in excess of said average work week. Overtime pay due shall be computed and paid at least four times per year on July 1, October 1, January 1, and April 1 of each fiscal year, and shall be paid more frequently if the Mayor and Common Council shall so provide by resolution or ordinance.

(c) The average number of hours which are worked in any one calendar week, for employees of the Fire or Police departments, shall be determined on July 1, October 1, January 1, and April 1 of each calendar year by dividing the number of hours worked by every such employee of the Fire or Police departments during the preceding quarter by the number of weeks and fractions thereof in such preceding quarter.

FIFTH:

Construction

(a) Nothing in this section shall be construed to repeal, amend or alter any existing charter provisions, ordinances or civil service regulations regarding vacation or sick leave for members of the Police and Fire departments.

SIXTH: Definitions

Definitions

The words and terms defined in this sub-section shall have the following meanings in this section:

(a) "Working Day" means an eight hour day for the Police Department;

(b) "Consecutive Days" means five working days irrespective of any days off for the Police Department;

(c) "Working Shift" means a 24 hour duty for the Fire Department, except for the positions of Chief, Assistant Chief, Drill Master, Master Mechanic, Captain, Fire Alarm Bureau, men assigned to the Fire Prevention Bureau, and such additional positions as may hereafter be granted a 40 hour average work week by resolution of the Common Council.

(d) "Full Pay" or "base pay" means the salary or compensation attached to the position occupied by a member of the Fire Department or a member of the Police Department, in-

cluding the additional compensation allowed to a member of the Police Department assigned to the traffic bureau, but exclusive of any compensation for overtime.''

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 20th day of April, 1955.

GEORGE C. BLAIR
(SEAL) Mayor of the City of San Bernardino
JACK T. FELTON
City Clerk of the City of San Bernardino

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

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 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.

CHAPTER 147

Assembly Concurrent Resolution No. 106—Approving an amendment to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the fifth day of April, 1955.

[Filed with Secretary of State, May 4, 1955]

City of Berkeley: Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the amendment hereinafter set forth to the charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, as

set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } ss.

Certificate

We, the undersigned, 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 a certain proposal designated as a "Charter Amendment" 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 5th day of April, 1955.

That said proposed amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 24th day of February, 1955, in the Berkeley Daily Gazette, a daily newspaper of general circulation published in said City of Berkeley and the official newspaper of said City, and in each edition thereof during the day of publication.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City in accordance with the Constitution of the State of California and the Charter of the City of Berkeley; and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the City of Berkeley was published in said Berkeley Daily Gazette, a newspaper of general circulation published in said City, on the 25th day of February, 1955, and on each day thereafter to and including the 4th day of April, 1955, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said pamphlet containing said proposed Charter Amendment could be had upon application therefor at the office of the City Clerk of said City to and including the 5th day of April, 1955, 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 5th day of April, 1955, which day was not less than forty (40) days, nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed Charter Amendment in the Berkeley Daily Gazette, the official newspaper of said City.

That the returns of said election were in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized, that the amendment to the Charter of the City of Berkeley hereinafter set forth was ratified by a majority of the electors of said City voting thereon; that the Council of said City did by its Resolution No. 35,092-N.S. duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter Amendment, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Amendment to the Charter of the City of Berkeley so ratified by the electors of said City is in the words and figures as follows, to-wit:

CHARTER AMENDMENT No. 1

That Section 19 of Article V of the Charter of the City of Berkeley be amended to read as follows:

Article V

Salaries

Section 19. Salaries. The Councilmen shall receive remuneration for the performance of their official duties at the rate of $75.00 per month, and the Mayor shall receive $150.00 per month. If the Mayor or any member of the Council is absent from one or more regular meetings of the Council during any calendar month, unless excused by the Council in order to attend to official business of the City, he shall be paid only one fourth of the monthly remuneration for each regular meeting of the Council which he attended during such month.

The Auditor shall receive such salary as may be fixed by the Council. provided, however, that said salary shall not be less than $3,600 00 per annum.

Each School Director shall receive a fee of five dollars for each regular meeting of the Board of Education which he shall attend; provided, that no School Director shall receive more than fifteen dollars in any one month.

All salaries and fees provided for in this section shall be paid out of the General Fund of the City.

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Berkeley with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Berkeley to be affixed hereto, this 19th day of April, 1955.

(SEAL)

LAURANCE L. CROSS
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 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 Berkeley 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 Berkeley. Approval

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CHAPTER 148

Assembly Concurrent Resolution No. 107—Relative to the passing of Rear Admiral Stanford Caldwell Hooper.

[Filed with Secretary of State, May 4, 1955]

WHEREAS, It is with the most profound regret that the Members of the Legislature of the State of California do hereby mark the passing from this life, on April 6, 1955, of one of California's most distinguished native sons, a man whose life was dedicated to the service of our Nation and who, by his brilliant achievements in the field of radio, well earned the title of the "Father of Naval Radio," Rear Admiral Stanford Caldwell Hooper; and

WHEREAS, Born in Colton, California, on August 16, 1884, the son of William Swayze Hooper and Mary Caldwell Hooper, Admiral Hooper was named for Leland Stanford who was a close friend and associate of his father. He attended public schools in San Bernardino prior to his entrance, on August 1, 1901, into the United States Naval Academy at Annapolis; and

WHEREAS, In 1912, he was appointed fleet radio officer, a post which he himself had suggested as necessary for the proper administration of the new method of communication; and

WHEREAS, For distinguished service as commanding officer of the USS Fairfax, the command to which he was ordered in 1917 after the entrance of the United States into the war, he was awarded the Navy Cross, with the following citation:

NAVY CROSS

"For distinguished service in the line of his profession as Commanding Officer of the USS Fairfax, engaged in the important, exacting, and hazardous duty of patrolling the waters infested with enemy submarines and mines, in escorting and protecting vitally important convoys of troops and supplies through these waters, and in offensive and defensive action, vigorously and unremittingly prosecuted against all forms of enemy naval activity."

and

WHEREAS, In the period 1915 to 1928, he was the guiding spirit in developing naval radio from little more than a toy to the essential communications medium it had become by the latter date. In the first few years he pushed through to completion the world-wide chain of land stations, such as Darien, Canal Zone, San Diego, Pearl Harbor and Cavite. With characteristic foresight, he obtained for the Navy the patent rights for the radio direction finder and pushed to completion the Naval Research Laboratory; and

WHEREAS, In 1934, he was assigned duty as Chairman, Naval Research Committee, and Director, Technical Division, Naval Operations. For many years, he served as a member of the Interdepartment Radio Advisory Committee; as delegate, or technical assistant, to practically all international radio conferences; as Navy liaison with the Congressional Committee of Communication Matters; and as chairman of the radio group representing the government departments, marine and aviation interests, in all radio matters, particularly international; and

WHEREAS, From 1939 until 1942, he served as Director, Radio Division, Navy Department, and in 1942, was made Technical Assistant to the Vice Chief of Naval Operations, Navy Department. In 1942 he became Chairman, Army and Navy Committee on Joint Effort Areas and Communication Centers, and during the early part of the Second World War, served as a member of the Naval Districts Inspection Board; the Inter-American Communications Committee; the International Broadcasting Committee; Defense Communications Board; Radio Technical Committee for Aeronautics; and Communications Committee, National Advisory Committee for Aeronautics. He was, also, from 1940 to 1942, Coordinator of Navy Members of Defense Communications Board Committees; and

WHEREAS, Relieved of all active duty on March 1, 1943, Admiral Hooper was transferred to the retired list of the Navy June 1, 1945. His last station in California was under treatment at the Naval Hospital, Corona; and

WHEREAS, In addition to the Navy Cross he was the recipient of the Mexican Service Medal; the Victory Medal, Destroyer Clasp, USS Fairfax, and the Decoration of Chevalier, Legion of Honor, by the Government of France (World War I); the American Defense Service Medal, the American Area Campaign Medal, and the World War II Victory Medal; and the Medal of Honor of the Institute of Radio Engineers and the Marconi Memorial Medal of Merit of the Veteran Wireless Operators Association; and

WHEREAS, To mourn his passing and receive the heartfelt sympathy of all, he leaves his widow, Mrs. Stanford Caldwell Hooper; 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 do hereby express their sincere sorrow at the passing of Rear Admiral Stanford Caldwell Hooper, and do hereby convey to his widow, Mrs. Stanford Caldwell Hooper, their deepest and most heartfelt condolences; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and transmit suitable copies of this resolution to Mrs. Stanford Caldwell Hooper, 4425 Garfield Street, Northwest, Washington, D. C., to the Director of Naval Communications, to the Chief of Naval Operations and to the Bureau of Personnel, Navy Department.

CHAPTER 149

Senate Concurrent Resolution No. 68—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 general election held therein on the nineteenth day of April, 1955.

[Filed with Secretary of State, May 5, 1955.]

City of San Diego: Charter amendment

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment hereinafter set forth to the charter of the City of 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, John D Butler, 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. 6420 (New Series), passed and adopted by said Council on the 24th day of February, 1955, duly proposed to the qualified electors of The City of San Diego two certain amendments to the Charter of said City, designated as Proposition A and Proposition B, 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 19th day of April, 1955.

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 3, 1955.

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 19th day of March, 1955, 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. 6420 (New Series) to the qualified electors of said City at the municipal general election held in said City on the 19th day of April, 1955.

That 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. 125931, passed and adopted April 26, 1955, duly declare the result of said election from the canvass of the returns thereof.

The said Council did by said Resolution No. 125931 declare that the said proposed amendment to the Charter of The City of San Diego designated as Proposition B, was ratified by a majority of the qualified electors of said City voting thereon, and that said proposed amendment to said Charter designated as Proposition A received less than a majority of the votes of the qualified electors voting thereon, and was not ratified.

That as to the 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:

PROPOSITION B.

Amend Article X of the Charter of The City of San Diego to read as follows:

"Article X.

City employees' retirement system Police and fire department members

Section 1. Notwithstanding any language in Article IX of this Charter to the contrary the City Council shall, upon the taking effect of this amendment, by ordinance provide for the transfer into the City Employees' Retirement System of all members of the Police and Fire Departments of The City of San Diego who were regularly employed and members of their respective Pension systems on June 30, 1946; provided, however, that in any such ordinance said Council shall provide as follows:

(1) A minimum retirement allowance of $200.00 per month when a member has completed the required number of years of service as provided in this Charter, and who at the effective date of the ordinance is receiving a monthly salary of at least $400.00.

(2) For retirement of members of the Police Department who entered the service of the department on or prior to the

8th day of May, 1941, and who have served for 20 years or more in the aggregate as a member or employee in any rank or capacity in said department, regardless of age, and for the retirement of members of the Police Department who entered the service of the department subsequent to the 8th day of May, 1941, after completion of 25 years of service in the aggregate.

(3) For retirement of members of the Fire Department who entered the service of the Department on or prior to January 1, 1936, and who have served for 20 years or more in the aggregate as a member or employee in any rank or capacity in said department, regardless of age, and for the retirement of members of the Fire Department who entered the service of the department subsequent to the 1st day of January, 1936, after completion of 25 years of service in the aggregate.

(4) Each member of either the Fire or Police Department who is entitled to retire after 20 years of aggregate service with the City shall receive a pension credit of 2½% of his final compensation for each year completed at the effective date of said ordinance, but in no case shall such credit exceed 50% of such final compensation. For each year completed after the effective date of said ordinance the member shall be credited with 1/60th of his final compensation. The pension credits specified above will not be allowable until after such member shall have reached the age of 50 years. No member of either department who is entitled to retire after 20 years as above and who has had 20 years of service in the aggregate shall receive less than the following: $200.00 per month as retirement allowance, together with such additional amount per month as will represent the actuarial equivalent of that portion of the contributions of such member contributed after his 20th year of service but before his attainment of age 50.

(5) Members of the Fire and Police Departments who are not eligible for retirement until the completion of 25 years of service in the aggregate shall receive a pension credit of 2% of their final compensation for each year completed at the effective date of said ordinance, provided that such credit shall not exceed 50% of such final compensation, and in addition thereto shall be entitled to credits of 1/60th of their final compensation for each year completed after the effective date of the ordinance. The pension credits specified in this paragraph will not be allowable until after such member shall have reached the age of 55 and has completed 20 years of aggregate service in the department, provided, however, that such member may be permitted to retire at the age of 50 years after 20 years of aggregate service in the department with a reduced allowance, as provided in Article IX and the ordinance passed pursuant thereto.

Except as to those members who are forced to retire because of disability or who die, 'Final Compensation' within the meaning of paragraphs 4 and 5 hereof shall be the highest

average compensation received during any five consecutive years of service, limited, however, to the following monthly maximums for members who retire: During the first year after the ordinance is adopted, $400.00; during the second year, $500.00; during the third year, $600.00; during the fourth year, $700.00; during the fifth year, $800.00; and after the end of the fifth year there shall be no ceiling considered in determining the amount of the final compensation.

As to those members who are compelled to retire because of disability or who die after the ordinance becomes effective 'Final Compensation' shall be defined as above, but with the following monthly maximums: For death or disability occurring during the first year, after the ordinance is adopted, $500.00; during the second year, $600.00; during the third year, $700.00; during the fourth year, $800.00; during the fifth year, $900.00; and after the end of the fifth year no ceiling shall be considered in determining the amount of the final compensation.

(6) No member of either the Fire or Police Departments transferred pursuant to the provisions of this Article of the Charter shall be required to contribute in excess of 8% of his total salary; and each member so transferred shall be classed as a safety member of a special class and shall be entitled to all of the service credit earned by such member in the Police and Fire Retirement System up to the date of transfer without further contributions from said member because of absences prior thereto while serving in the armed forces of the United States.

(7) The membership of the Board of Administration created by Article IX of the Charter, upon the taking effect of this amendment, shall be increased to the extent of one additional member to represent the Police Department and one additional member to represent the Fire Department, such members to be chosen by the members of the respective departments.

Immediately upon the taking effect of the ordinance making the transfer of members into the City Employees' Retirement System, all of the provisions of Article IX not inconsistent with the hereinabove provided, together with any ordinance passed pursuant thereto, shall be applicable to such transferred members, and the Police and Fire Retirement System heretofore created in 1947 is abolished, and except as prescribed by this amendment all benefits therein authorized are cancelled.

All moneys in the Police and Fire Retirement Fund at the date of the taking effect of the ordinance transferring said members are hereby transferred to the City Employees' Retirement Fund.

Nothing herein contained shall be construed in any way so as to affect the vested rights of members of the Police and Fire Departments who have been heretofore retired by virtue

of any retirement or pension system of The City of San Diego."

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 29th day of April, 1955.

JOHN D. BUTLER
(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 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

Approval *Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That said amendment to the charter of the City of San 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.

CHAPTER 150

Senate Joint Resolution No. 24—Relative to memorializing Congress to study the problems involved in civil defense.

[Filed with Secretary of State, May 6, 1955.]

WHEREAS, Recent scientific developments have so altered previous civil defense planning that it has now become apparent that an effective national civil defense program can only be achieved by the Federal Government's acceptance of responsibility for both defining and financing such a program; and

WHEREAS, The previous position of the Federal Government that civil defense is primarily a responsibility of the several states controverts the federal Constitution which clearly assigns the responsibility for the common defense to the national government; and

WHEREAS, It has been clearly demonstrated during the past four and one-half years that with the several states dependent

upon each other for civil defense support, many states are neither financially able nor inclined to go along with the current federal program which demands matching fund participation to the degree necessary to provide adequate fall-back support for their sister states; and

WHEREAS, California's neighboring State of Nevada has recognized its inability to provide adequate support for the people of California in the event of an enemy attack and its legislature has adopted a resolution calling upon Congress to make adequate provisions for such an event by establishing federal supply reserves east of the Sierra Nevada mountains; 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 study the problems involved in the new concept of civil defense resulting from the greater destructive powers of presently developed weapons and make adequate plans to realistically provide an effective national civil defense program to the extent necessary; 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, the Speaker of the House of Representatives, each Senator and Representative from California in the Congress of the United States, the Secretary of Defense, the Secretary of the Army, and the Secretary of the Navy.

CHAPTER 151

Assembly Joint Resolution No. 6—Relative to operation of federal dams.

[Filed with Secretary of State, May 6, 1955.]

WHEREAS, A great amount of unappropriated water which is not subject to disposal under existing contracts with water users is spilled over Friant Dam during flood seasons, and is wasting into the sea; and

WHEREAS, Water is desperately needed throughout the service area of this dam for the purpose of replenishing the underground water supplies; and

WHEREAS, The charge at which water is made available under existing contracts makes it financially impossible to use that water for replenishment purposes; and

WHEREAS, It would be in the best interests of the United States in the operation of its water conservation facilities and the repayment thereof to dispose of such floodwaters at whatever price is obtainable; and

WHEREAS, It is essential to the welfare of this State that inexpensive water be made available to replenish the under-

ground water supplies in order to protect the underground basins from destruction; 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, the United States Bureau of Reclamation, and the Corps of Engineers of the United States Army, to take such steps as may be necessary to make available, pursuant to state law, for underground replenishment floodwaters from Friant Dam which are not subject to existing contracts, and that such water be made available at the lowest possible cost; 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 each Senator and Representative from California in the Congress of the United States, to the Secretary of the Interior, and to the Secretary of the Army.

CHAPTER 152

Senate Concurrent Resolution No. 56—Relative to the passing of Fontaine Johnson.

[Filed with Secretary of State, May 6, 1955.]

WHEREAS, During this past week the sudden death of Fontaine Johnson has brought surprise and sorrow to the Members of this Legislature, and to the citizens of Sacramento and the many other persons who knew him in life; and

WHEREAS, Fontaine Johnson was a civic leader of the highest quality, a man of splendid integrity and reputation, born in Colusa on the third of October, 1884, and a resident of Sacramento from the time he was six years of age, the son of the late Julian W. Johnson and Lottie Jane Johnson; and

WHEREAS, Fontaine Johnson lived a full and complete life dedicated to the causes of learning and achievement and the social betterment of his fellow men and women, a graduate of Jefferson and Sutter schools in Sacramento, of Sacramento High School, and of the University of California in the class of 1908, a member of the Bar of California since the year 1909, distinguished among his colleagues and a leader in his profession; and

WHEREAS, Among his achievements in life he has counted the presidency for 37 years of the California Tuberculosis and Health Association, a directorship of the National Tuberculosis and Health Association, chairmanship of the jurisprudence and laws committee of the Imperial Council of the Shrine, and charter membership in the Sacramento Rotary Club. He was past president and past district governor of the Rotary Club, and was a charter member and past potentate of Bel Ali Temple of

the Shrine, a member of the Sutter Club and the Sacramento Chamber of Commerce; and

WHEREAS, Fontaine Johnson answered the call of high duty to his beloved Country and served her during peace and war, as an officer in the United States Army during World War I, and in the California National Guard, as a member of the American Legion, and during World War II as chairman of local draft board No. 29; and

WHEREAS, Fontaine Johnson leaves behind him his beloved wife, Nina Sutliff Johnson, and his sister, Lottiellen Johnson, to mourn his passing, but to be consoled by the memory of his achievements and the pride of having been the dear ones of so outstanding a personage; and

WHEREAS, It is most fitting that this Legislature take occasion to note the deep regret of its members at the loss of our fellow citizen, who in a single lifetime has accomplished so much, and to extend to his bereaved ones the deepest and most sincere sympathy; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That this Legislature does hereby note with the deepest of regret, and with the most acute realization of the loss of a truly outstanding citizen, the passing of Fontaine Johnson, and does hereby offer and extend to his bereaved family its sincerest sympathy; and be it further

Resolved, That the Secretary of the Senate is hereby directed to prepare and transmit suitably prepared copies of this resolution to Mrs. Nina Johnson, widow of Fontaine Johnson, and to his sister, Lottiellen Johnson.

CHAPTER 153

Senate Joint Resolution No. 15—Relative to the establishment of separate waterfowl seasons in California.

[Filed with Secretary of State, May 6, 1955.]

WHEREAS, There is an extreme variation in the migration and seasonal abundance of waterfowl throughout the State of California due to differences in latitude and elevation; and

WHEREAS, The migration and seasonal abundance of waterfowl in northeastern California are similar to those prevailing in adjacent Oregon, but differ from the central and coastal portions of the State; and

WHEREAS, In 1945 the federal regulations were satisfactorily adjusted by establishment of the open season for migratory waterfowl in Modoc, Lassen and Siskiyou Counties to coincide with the Oregon season (October 13th-December 13th) permitting an open season in the balance of California from November 2d to January 20th; and

WHEREAS, The migration and seasonal abundance of waterfowl in southeastern California are similar to those prevailing

in adjacent Arizona, but differ from the central and coastal portions of the State; and

WHEREAS, In recent years the Federal Government has permitted an open season in southeastern California to coincide with the Arizona season; and

WHEREAS, No waterfowl season, straight or split, can be established within existing formulas for the State of California, which will not cause inequalities of hunting opportunities in one or another portion of the State due to the extreme variation in waterfowl condition; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully petitions the Secretary of Interior henceforth to establish and allow a separate waterfowl shooting season for northeastern California identical to that allowed for adjacent Oregon; to continue a separate waterfowl shooting season for southeastern California identical to that allowed for adjacent Arizona; and to permit another separate waterfowl shooting season for the balance of the State; be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to transmit properly certified copies of this resolution to the Secretary of Interior and to the representatives of the State of California in the Congress of the United States.

CHAPTER 154

Senate Concurrent Resolution No. 72—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 nineteenth day of April, 1955.

[Filed with Secretary of State, May 6, 1955.]

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 Gladys H. Murphy, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland, a municipal corporation in the County of Alameda, State of California, now is and at all

times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the fifteenth day of February, 1911 (Statutes of 1911, p. 1551).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Oakland, being the legislative body of said City, on its own motion by its Resolution No. 32588 C.M.S. passed February 10, 1955, as amended by Resolution No. 32652 C.M.S. passed February 24, 1955, and by its Resolutions Nos. 32589 C.M.S., 32590 C.M.S., 32591 C.M.S. and 32592 C.M.S., each of which was passed February 10, 1955, duly and regularly proposed and submitted to the qualified electors of said City, nine certain proposals designated as Propositions 1, 2, 3, 4, 5, 7, 8, 9 and 10, 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 19th day of April, 1955. 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 No. 32588 C.M S , and that by said resolution said special election was duly and regularly consolidated with the Nominating Municipal Election to be held in said City on said date. 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 manner provided by law, after due notice given and published, with the said Nominating Municipal Election, on the 19th day of April, 1955, 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 9th day of March, 1955, 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 9th day of March, 1955, and on each day thereafter to and including the 19th day of April, 1955, 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 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, on the 22nd day of April, 1955, at a meeting duly and regularly called and held at its usual place of meeting, which meeting was recessed to and reconvened on the 25th day of April, 1955, duly canvassed 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 26th day of April, 1955, at its usual place of meeting, said Council by its Resolution No. 32881 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, 2, 3, 4, 5, 7, 8 and 9, was ratified by a majority of the qualified electors of said City voting thereon, and that said proposed amendment to said Charter designated as Proposition 10, received less than a majority of the votes of the qualified electors voting thereon, and was not ratified; that there was no Proposition designated as 6 submitted at said election; 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:

Amend Section 128 of the Charter to read as follows:

CONTRACTS—BONDS

Sec. 128. All contracts shall be signed in triplicate, one of which with the specifications (and drawings, if any) of the work to be done or materials to be furnished, or both, as the case may be, shall be filed with the City Clerk; one thereof with said specifications and drawings shall be kept in the office of the Department under whose supervision the work is to be done, or in case the work is being done under the supervision of a Board, then in the office of the Secretary of such Board; and the other with said specifications and drawings shall be delivered to the contractor. Contracts Signing, etc

At the same time with the execution of the contract, the contractor shall execute to the City and deliver to the Auditor-Controller a bond in the form named in the notice for proposals with two or more sufficient sureties to be approved by the Council, or Board, as the case may be, or shall deposit with the Auditor-Controller a certified check upon some solvent bank for the said amount, for the faithful performance of the contract. No surety on any bond other than lawfully authorized surety companies shall be taken unless he shall be a payer of taxes on property not exempt from execution or subject to homestead claim, the assessed value of which over and above all encumbrances is equal in amount to his liabilities on all bonds on which he may be surety to the City, and each surety shall certify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last assessment roll of the City, in his own name, for property in an amount greater than his liabilities on all bonds on which he is surety to the City, and that the taxes on such property so assessed are not delinquent. Bond

The contract shall specify the time within which the work shall be commenced and when to be completed, as was specified in the notice inviting proposals therefor. The Council, or the Board, as the case may be, may extend said time, but in no event shall the time for the performance of any contract be extended for more than ninety days beyond the time originally fixed for its completion, except by a two-thirds vote of the Council, or Board, as the case may be. Time limit

In case of failure on the part of the contractor to complete his contract within the time fixed in the contract or within such extension of said time as herein provided for, the contract may be terminated, and the Council, or Board, as the case may be, shall, in such event, not thereafter pay or allow him any further compensation for any work done by him under said contract; and the Council, or Board, as the case may be, may proceed to complete such contract either by reletting or otherwise, and the contractor and his bondsmen shall be liable to the City for all loss or damage which it may suffer on account of his failure to complete his contract within such time. Termination

Amend Section 128½ of the Charter to read as follows:

Sec. 128½. Every contract for work to be performed within the State of California at the expense of the City or paid for out of moneys deposited in the treasury, whether such work is to be done within or outside the limits of the City, and whether such work be done directly by or under such contract duly awarded, or indirectly by or under sub-contract, sub-partnership, day labor, station work, piece work or any other arrangement whatsoever must provide:

Hours and wages

(1) That in every contract for the performance of labor, that no more than eight hours shall constitute a day's work; that the contractor and all sub-contractors under him shall pay their employees on said work a salary or wage at least equal to the prevailing salary or wage for the same quality of service rendered to private persons, firms or corporations under similar employment in the City of Oakland.

Citizenship

(2) That any person performing labor in the execution of such contract shall be a citizen of the United States or have declared his intention of becoming such.

The foregoing provisions designated (1) and (2) must also apply to persons performing labor in the commissary or other auxiliary department of labor conducted in the course of the execution of such contract or any part thereof; and the said provisions shall also apply to any work done for or by the City, or any officer, Board or Commission thereof, when such work is to be done at the expense of the City or paid for out of moneys deposited in the treasury. Any contract for work to be performed under the provisions of this article which does not comply with the provisions thereof, shall be null and void, and any officer who shall sign the same shall be deemed guilty of misfeasance and upon proof of such misfeasance shall be removed from office.

Amend Section 129 of the Charter to read as follows:

PROGRESSIVE PAYMENTS ON CONTRACTS

Progressive payments

Sec. 129. Any contract may provide for progressive payments if the resolution adopting specifications for the work or improvement shall so specify. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time ninety per cent of the value of the labor done and the materials used up to that time, and 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.

Add Section 122¼ to the Charter to read as follows:

APPROVAL OF DEMANDS

Approval of demands

Sec. 122¼. Notwithstanding the provisions of Section 122, approval of any demand by the Council or proper Board shall

not be required for authorized payment by the Auditor-Controller if the indebtedness was incurred pursuant to action by the Council or proper Board either by award of contract, specific appropriation, specific allowance in the budget or other appropriate action, and the claim shall have been approved by the head of the department or office for which the indebtedness was incurred as to receipt of the materials or performance of the service involved or as to other facts establishing the liability of the City.

This section shall apply to the Port Department.

Repeal Section 48 of the Charter. Repeal

Add Section 36a to the Charter to read as follows:

Sec. 36a. No contract or other transaction of the City shall be deemed to be a violation of the provisions of Section 36 unless such contract or other transaction is made in the official capacity of the officer or employee having an interest therein, or by a board or body of which he is a member. Prohibited contracts

Add Section 87½ to the Charter to read as follows:

Sec. 87½. Notwithstanding any other provision of this Charter to the contrary, the provisions of this section shall apply to the Police Department. Police department:

The Chief of Police shall be appointed from the membership of the Police Department. The City Manager shall designate a member of the Police Department to act as Chief of Police in the absence of the Chief of Police. Such designation shall not be subject to the Civil Service provisions of this Charter. Chief of police

For the purpose of providing executive assistants to the Chief of Police, the Council may create the rank and positions of Deputy Chief of Police, which rank and positions shall not be subject to the Civil Service provisions of this Charter and shall be filled by appointment by the City Manager upon the recommendation of the Chief of Police from a rank not lower than that of Lieutenant of Police. The City Manager may, without stated cause therefor, remove a Deputy Chief of Police and upon such removal he shall return to his Civil Service rank. Deputy chief of police

For the purpose of promotion to the rank of Lieutenant of Police the term "next lower rank" appearing in Section 91c of this Charter shall be construed to include the rank of Sergeant of Police. Sergeant of police

For the purpose of promotion to the rank of Inspector of Police, the term "next lower rank" specified in Section 91c of this Charter, shall be deemed to include the rank of Patrolman; provided, however, that the provisions of this paragraph shall not be effective if this Charter is amended to prohibit further appointment to the rank of Inspector of Police. Patrolman

Add Section 91d to the Charter to read as follows:

Sec. 91d. Notwithstanding any other provision of this Charter to the contrary, the Council shall have power to create such ranks or grades in the Police Department, in addition to those in this Charter specified, as in the judgment of the Council the needs of the service may require. The Council shall have Other ranks or grades

power to create such promotional ranks for female members of the Police Department as in the judgment of the Council the needs of the service may require.

All ranks or grades created by the Council pursuant to the provisions of this section shall be subject to the Civil Service provisions of this Charter.

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 and exact 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 29th day of April, 1955.

CLIFFORD E. RISHELL
(SEAL) Mayor of the City of Oakland
GLADYS H. MURPHY
City Clerk of the City of Oakland

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 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 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, and 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 part of the charter of the said City of Oakland.

CHAPTER 155

Assembly Concurrent Resolution No. 116—Relative to honoring our mothers on Mother's Day.

[Filed with Secretary of State, May 9, 1955.]

WHEREAS, In the year 1914 by an act of the Congress and the President of the United States, Mother's Day was established on the second Sunday in May of each year as a day upon which to especially remember our mothers; and

WHEREAS, Throughout the years Mother's Day has come to have a special significance in the hearts of all of us as a day for remembering the love, devotion, and sacrifice of our mothers; and

WHEREAS, In celebrating this day of gratitude to our mothers, we think of the words of our late beloved President Abra-

ham Lincoln, who said, "All that I am and all that I hope to be, I owe to my angel mother"; and

WHEREAS, As we pay a tribute to our loving mothers who are still with us, we shall pause in silence and in prayer and pay tribute to those mothers who have been taken to their eternal reward, just as a remembrance of the many sacrifices they made for each and every one of us; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That we, the Members of the Assembly of the State of California, the Senate concurring, do extend to all living mothers our sincere and best wishes for a happy Mother's Day, and at the same time pay solemn tribute to those mothers who have gone to their Heavenly Home.

CHAPTER 156

Assembly Concurrent Resolution No. 117—Relative to the passing of Mr. Louis C. Venator.

[Filed with Secretary of State, May 9, 1955.]

WHEREAS, The untimely passing of Mr. Louis C. Venator has caused most sincere grief to all who knew and worked with this outstanding public servant; and

WHEREAS, This loss is not only a loss to the people of this State but also to the Nation for Mr. Louis C. Venator labored long and successfully not only for the best interests of this State but also served with the United States Department of Commerce Foreign Service and served as Trade Commissioner at the United States Legation, Shanghai, China; and

WHEREAS, Mr. Louis C. Venator was born in Prescott, Arizona, but grew up in Bakersfield, California, and graduated from Stanford University and served the people of this State as the Secretary of the Sixth District Agricultural Association and as Executive Secretary and General Manager of the State Museum of Science and Industry at Exposition Park, Los Angeles, California; and

WHEREAS, Mr. Louis C. Venator also will be sorely missed by his fraternal friends in the William D. Stephens Lodge 698, F. & A. M., Al Malaikah Temple, Chung Te Consistory, Peking, China, and the Los Angeles Press Club as well as his countless friends who met him as he energetically pursued his hobby as a yachtsman; 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 expresses its most sincere condolences to the bereaved family of Mr. Louis C. Venator and can only add the comforting thought that his was a full life and a good life which will surely receive a most deserved reward in the golden kingdom of heaven; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the widow, Mrs. Dorothy Venator, the daughter, Mrs. Nancy Collins, and the son, Mr. Louis C. Venator, Jr.

CHAPTER 157

Assembly Concurrent Resolution No. 115—Approving the charter of the City of Pacific Grove, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the eleventh day of April, 1955.

[Filed with Secretary of State, May 9, 1955.]

City of Pacific Grove: New charter

WHEREAS, The City of Pacific Grove, in the County of Monterey, State of California, contains a population in excess of 3,500 inhabitants; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a new charter of the City of Pacific Grove, as set out in the certificate of the mayor and the city clerk of said City of Pacific Grove, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PACIFIC GROVE OF THE ADOPTION OF A NEW AND REVISED CITY CHARTER

State of California }
County of Monterey } ss.
City of Pacific Grove }

Certificate

We, the undersigned, Clarence A. Higgins, 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 Cali-

fornia, and the appropriate sections of the Election Code of the State of California, the Council of the City of Pacific Grove, being the legislative body thereof, on its own motion, duly and regularly submitted a proposal for the adoption of a new Charter for said City, to be voted upon by the qualified electors of said City at a special municipal election held in said City on the 11th day of April, 1955, which said election was consolidated with the regular general municipal election held on said date, which said proposal was designated as Proposition No. 1 on said general and special election ballot.

That pursuant to resolution duly adopted by the City Council of said City of Pacific Grove, being its Resolution No. 4014 passed and adopted on February 16, 1955, the said new and revised Charter 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 Monterey Peninsula Herald, a daily newspaper of general circulation, and circulated in said City and the official newspaper thereof, in the editions thereof published on the 18th day of February, 1955, and on the 25th day of February, 1955.

That copies of said proposed new and revised Charter 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 Monterey Peninsula Herald, a daily 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 new and revised Charter could be had upon application therefor at the office of said City Clerk until the day fixed for said general and special municipal election.

That the Council of the City of Pacific Grove, being the legislative body of said City, by its Resolution No. 4014, did order the submission of said proposed new and revised Charter of said City at said general and special municipal election to be held on April 11, 1955, in conjunction with the general municipal election held on said date, according to the terms of the Charter of said City of Pacific Grove and the election code of the State of California, providing for special municipal elections, and the consolidation thereof with a City general election, 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 and special municipal election was at least forty days after the completion of the advertising of the proposed new and revised Charter 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 new and revised Charter of said City to the qualified electors of said City for their ratification at such general and special municipal election.

That thereafter said general and special municipal election was duly and regularly held on Monday, April 11, 1955, in conjunction with said City general election held on said date.

That at said election a majority of the qualified electors voting on said proposal to adopt a new and revised Charter of said City of Pacific Grove voted in favor of Proposition 1.

That said proposed charter, if approved by the Legislature, shall replace the present charter of said city;

That said charter so proposed, filed, adopted and ratified as herein set forth, is in the words and figures following, to wit:

CHARTER

CITY OF PACIFIC GROVE

As Revised on January 19, 1955

Article 1. Name

Name

The municipal corporation now existing and known as "The City of Pacific Grove" shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of the "City of Pacific Grove," and by such name shall have perpetual succession.

Article 2. Boundaries

Boundaries

The boundaries of the City of Pacific Grove shall continue as now established until changed in some manner authorized by law.

Article 3. Inalienable Rights of City

Inalienable rights of city

The rights of the city in and to its waterfront, lands under water, and such public wharves, docks and landings as may be hereafter thereon constructed are hereby declared inalienable.

Article 4. Powers

Powers

The City of Pacific Grove by and through its council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the constitution of the state and which it would be competent for this charter to set forth particularly or specifically; and the specification herein of any particular powers shall not be held to be exclusive or any limitation upon this general grant of powers.

Article 5. General Laws Applicable

General laws applicable

All general laws of the state applicable to municipal corporations now or hereafter enacted and which are not in conflict with the provisions of this charter shall be applicable to the City of Pacific Grove, provided that the Council may

adopt and enforce ordinances in compliance with the provisions of this charter which shall control in relation to municipal affairs as against general laws of the state.

Article 6. Officers and Employees

Officers and employees

The officers of the City of Pacific Grove shall consist of six Councilmen and a Mayor, a City Manager, a City Clerk-Treasurer, a City Attorney, a City Tax Collector, a City Engineer, a Street Superintendent, a Chief of Police, a Fire Chief, a Health Officer, a board of five Library Trustees, a board of five Museum Trustees, and a board of five Recreation Trustees; provided, the Council may by ordinance provide for such subordinate officers, assistants, deputies, clerks, and employees as they deem necessary, and provided further that the City Clerk be ex-officio City Tax Collector, and that the Council may at any time, when in its judgment the interest of the city so demands, consolidate by ordinance the powers and duties of two or more city officers and place the same in charge of one such officer. The Mayor and the members of the Council shall be elected from the city at large. All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this Charter, or as the 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.

Article 7. Residential Qualifications

Residential qualifications

No person shall be eligible to hold any elective office in said city unless he be a resident and elector herein, and shall have resided in said city for at least one year, next preceding the date of his election.

Article 8. Elections

Elections

General municipal elections shall be held in said city on the second Monday in April of each odd-numbered year under and pursuant to the provisions of the general laws of the state of California governing elections in the cities of the sixth class so far as the same may be applicable, and except as herein otherwise provided. All other municipal elections that may be held by authority of this Charter or of general law shall be known as special municipal elections. At least twenty days before the day of election each candidate for an elective office shall file with the City Clerk a sworn statement containing the following information: (A) his name; (B) the office for which he is candidate; (C) his present residence and occupation; (D) the public offices he ever held, if any, as principal, deputy or employee; (E) 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.

Article 9. Canvass of Returns

Canvass of returns

The Council of said city shall meet at its usual meeting place on the first Monday after any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any.

Article 10. Oath of Office

Oath of office

Every officer shall take and subscribe to the oath of office as provided in the Constitution of the state before entering upon the performance of his official duties.

Article 11. Official Bonds

Official bonds

Except as prescribed by this Charter, the Council shall determine which officers shall give bonds for the faithful performance of their official duties, shall fix the amount of said bonds and the mode of approving the same. Such officers before entering upon their official duties, shall execute a bond to the city in the penal sum required, and said bond shall be approved by the Council and filed with the City Clerk.

Article 12. The Mayor

Mayor

A Mayor shall be elected at each general municipal election and shall hold office for the term of two years from and after the Monday next succeeding the day of such election and until his successor is elected and qualified. The Mayor shall receive no compensation and shall be ineligible to hold any other office or employment with the city except as member of any board, commission, or committee thereof of which he is constituted such member by general law. In case of riot, insurrection or extraordinary emergency the Mayor shall assume general control of the city government and all of its branches and be responsible for the suppression of disorders and the restoration of normal conditions. In the name and on behalf of the city he shall sign all contracts, deeds, bonds and other legal instruments in which the city is a party. He shall represent the city at all ceremonial functions of a social or patriotic character when it is desirable or appropriate to have the city represented officially thereat. In case of vacancy in the office of Mayor or during the temporary absence of disability of the Mayor, the Council shall choose one of its members to act as Mayor pro-tempore. The Mayor, City Clerk-Treasurer and City Manager shall together count the money and other securities in the treasury at least once every three months, and ascertain if the amounts on hand tally with the amounts that should be in the treasury according to the books of the City. They shall make a written report thereof to the Council at its first regular meeting thereafter.

Article 13. The Council

Council

The legislative body of the city shall consist of the Mayor and six Councilmen, each of whom including the Mayor shall have the right to vote upon all questions coming before the Council. Three Councilmen shall be elected at each general municipal election and shall hold office for the term of four years each from and after the Monday next succeeding the day of such election, and until their successors are elected and qualified. In the event that two or more persons shall receive the same number of votes to the same office, the winner shall be selected by a majority vote of the Council.

A vacancy in an elective office shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election and until his successor is elected and qualified. Such successor shall be elected for the unexpired term of his predecessor at the general municipal election next succeeding such appointment. Should the Council fail to fill any such vacancy within thirty days after the same occurs, then it shall be filled by appointment by the Mayor; provided, however, that if the offices of a majority, or more, of the Council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any officer of the City shall remove from the City or absent himself therefrom for more than thirty days consecutively without the permission of the Council, or shall fail to qualify, or shall resign or be convicted of a felony, or be adjudged insane, his office shall thereupon become vacant.

The Councilmen shall receive no compensation, and no Councilman shall be eligible to hold any other office or employment with the city except as a member of any board, commission, or committee thereof, of which he is constituted such member by the general law of the state.

Article 14. Meetings of the Council

Same Meetings

All meetings of the Council shall be held in the City Hall, unless by reason of fire, flood or other disaster, the City Hall cannot be used for that purpose, and all meetings shall be open to the public. There shall be two regular meetings of the Council in each month at a day and hour by ordinance determined, and any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes. The Council shall adopt rules for the conduct of its proceedings and shall provide by ordinance the manner in which its special meetings may be called.

Article 15. Quorum

Same: 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 compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Article 16. Ordinances

Ordinances

The enacting clause of all ordinances passed by the Council shall read as follows: "The Council of the City of Pacific Grove do ordain as follows:" The enacting clause of all ordinances passed by the vote or the electors of the City through the exercise of the initiative or referendum shall be, "The people of the City of Pacific Grove do ordain as follows:"

The affirmative vote of a majority of the Council shall be necessary to adopt any ordinances, resolutions or claims against the city, which vote shall be taken by ayes and noes and entered upon the record, and upon the request of any member of the Council the ayes and noes shall be taken and recorded upon any vote.

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 the official newspaper of the city at least three days before its adoption, provided, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and if passed by a five-sevenths vote shall become effective immediately.

A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, providing its general scope and original purpose are retained. No ordinance or portion thereof shall be repealed, revised or amended except by ordinance, and all ordinances shall be signed by the Mayor and attested by the City Clerk. Except as provided by general law, or by this Charter, no action providing for any specific public improvement, or for the expenditure or appropriation of public moneys, in an amount over fifteen hundred ($1,500.00) dollars, or for the acquisition, sale, lease, encumbrancing, or disposition of the real property of the city, or any interest therein, or for the levying of any tax or assessment, or for the granting of any franchise, or for the establishment or changing of fire limits, or business, residence, or other use zones, or for the imposing of any penalty, shall be taken except by ordinance.

Provided, however, that materials and supplies, equipment, furniture and fixtures, may be leased or purchased by said city and public moneys expended therefor in excess of Fifteen Hundred Dollars ($1,500.00) by resolution of said Council inviting sealed proposals through notice published by the City Clerk in the official newspaper at least once, five days or more

prior to the time fixed in said resolution for the public opening and declaring of such bids.

Article 17. The Initiative and Referendum

Initiative and referendum

The initiative and referendum may be exercised in accordance with the constitution and general laws of this state, provided, however, that when any ordinance is referred to the electors either upon an initiative or referendum petition, it shall be voted upon at a special election to be held not less than twenty days nor more than thirty days from the presentation of the petition therefor unless there is to occur a special or regular municipal election not less than twenty days nor more than ninety days from the presentation of the petition, in which event the ordinance shall be submitted at such special or general election.

Petitions for exercising the initiative, referendum, or recall shall not be circulated, but shall be deposited for signatures in not less than three (3), nor more than seven (7) public places in the City, to be designated by the Council. Notice of the deposit thereof shall be given by publication for three or more times in one or more newspapers circulated in said City. The Council shall provide by ordinance the detailed procedure for carrying out the provisions of this Article.

Article 18. The Recall

Recall

The Recall may be exercised in accordance with the constitution and general laws of this State as to municipal officers.

Article 19. Oaths and Subpoenas

Oaths and subpenas

The Mayor, City Manager, and City Clerk shall have power to administer oaths, to issue subpoenas, to compel by subpoena the production of the books, papers and documents, of the City and to take and hear testimony whenever necessary in carrying out their official duties.

Article 20. City Clerk-Treasurer

City clerk-treasurer

A City Clerk-Treasurer shall be appointed by the City Manager. He shall be Clerk of the Council and ex-officio City Tax Collector. It shall be the duty of the City Clerk-Treasurer, or his deputy, to attend all sessions of the Council and to keep a full and correct record of the proceedings. The proceedings of the Council shall be kept in a book marked "Minutes of the Council." He shall also keep a book marked "Ordinances" into which he shall copy all city ordinances certifying that each such copy is a full and correct copy of the original ordinance, and stating that the same has been published as required by law. Said record copy, so certified, shall be prima facie evidence of the contents of the ordinance, and of its

passage and publication and shall be admissible as such evidence in any court or proceeding. Such record shall not be filed but shall be returned to the custody of the City Clerk-Treasurer. He shall also keep a book marked "Resolutions" into which he shall copy all resolutions passed by the Council. Both the books containing ordinances and resolutions shall be adequately and comprehensively indexed. He shall conduct promptly, and keep a systematic record of all correspondence between the Council and third parties relating to City business.

He shall be the keeper of the corporate seal of the city, and shall affix the same to instruments or writings requiring authentication. He shall safely keep all records, documents, ordinances, resolutions, books, and such other papers and matters as may be regularly delivered into his custody or required by law or ordinance to be filed with him.

It shall be the duty of the City Clerk-Treasurer to receive and safely keep all moneys and securities belonging to the City and coming into his hands, and pay out the same only on warrants signed by the proper officers and not otherwise. He shall make quarterly statements showing the receipts and disbursements for the quarters ending September 30th, December 31st, March 31st, and June 30th in each year. Such statements shall show in detail the condition of each and every fund required to be set apart by him. All statements shall be made in duplicate, one copy of which shall be filed with the City Clerk-Treasurer and one delivered to the City Manager within ten days after the end of each quarter.

Article 21. City Manager

City manager

There shall be a City Manager appointed by the affirmative vote of five-sevenths of the Council who shall be the administrative head of the City government. The City Manager shall be chosen by the Council without regard to political consideration and with reference solely to his qualifications for such office.

It shall not be necessary that he reside in the City at the time of his appointment, but he shall become a resident thereof within sixty days thereafter and thereafter during his incumbency actually reside in said City. The salary of the City Manager shall be fixed by ordinance.

Before entering upon his duties the City Manager shall file with the City Clerk an official bond for the faithful performance thereof, payable to the City of Pacific Grove in a sum not less than $5,000, the premium of which shall be paid by the City. The powers and duties of the City Manager shall be:

(1) To see that all ordinances are enforced.

(2) To appoint, except as otherwise provided, all heads of departments, subordinate officials and employees, and remove the same, except as otherwise provided, and have general supervision and control over the same. Save when in the opinion

of the City Manager or the interests of the City otherwise demand, appointees shall be residents of Pacific Grove.

(3) To exercise general supervision over all privately owned public utilities operating within the City so far as the same are subject to municipal control.

(4) To see that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are fully observed, and to report to the Council any violations thereof.

(5) To act as purchasing agent for the City in transactions involving expenditure not in excess of Fifteen Hundred Dollars. He shall know the exact condition of the treasury at all times, and shall approve all demands before the same have been allowed by the Council if he is satisfied that the money is lawfully due.

(6) To attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.

(7) To examine, or cause to be examined, without notice, the conduct, or the official accounts or records, of any officer or employee of the City.

(8) To keep the Council advised as to the needs of the City.

(9) To have general supervision over all City property, including public buildings, parks and playgrounds.

(10) To appoint such advisory boards as he may deem desirable to advise and assist him in his work, provided the members of such boards shall receive no compensation.

Article 22. City Manager Pro-tem

City manager pro-tem

In case of the absence from the City of the City Manager, or 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 the members of the Council.

Article 23. Interference With or by City Manager

Interference with or by city manager

Neither the Council nor any of its committees or members shall dictate or attempt to dictate, either directly or indirectly, the appointment of any person to office or employment by the City Manager, or in any manner interfere with the City Manager or prevent him from exercising his own judgment in the appointment of officers and employees 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, either publicly or privately.

Neither the City Manager, nor any appointive officer or employee of the City, shall take any active part in securing,

or shall contribute money toward, the nomination or election of any elective candidate for municipal office.

Article 24. City Attorney

City attorney

There shall be a City Attorney appointed by the City Council. 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 three years next preceding his appointment. All other things being equal, an attorney who has had special training for this office or experience in municipal corporation law shall be appointed to this office, if practicable. The City Attorney shall be legal advisor of the Council and all other City officials. He shall prosecute all violations of City ordinances, and shall draft all ordinances, resolutions, contracts, or other legal documents or proceedings required by the Council, or other officials, except as may be otherwise provided, and shall perform such legal services from time to time as the Council may require, and shall attend all meetings of the Council unless excused therefrom by four members thereof or by the Mayor. The salary of the City Attorney shall be fixed by ordinance.

When from any cause the City Attorney is unable to perform the duties of his office, he may, with the consent of the Council, appoint some other qualified attorney to act temporarily in his place. Whenever, in the judgment of the Council, the interests of the City require it, assistant counsel may be employed. The City Attorney shall deliver all books, records, papers, documents and personal property of every description, under his control, owned by the City, to his successor in office, and shall possess such other powers, and perform such additional duties, not in conflict with this Charter, as may be prescribed by ordinance.

Article 25. City Engineer

City engineer

There shall be a City Engineer appointed by the City Manager who at the time of his appointment shall be a licensed civil engineer.

The City Engineer shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the City, pertaining to his office and the work thereof, all of which he shall keep in proper order and condition with full indices thereof. He shall turn the same over to his successor upon relinquishing his office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk.

All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work in behalf of the City, made or done by him or under his direction or control during his term of office shall be the property of the

City, and shall be kept in the City vaults. He shall perform all engineering work and surveying in prosecuting public improvements in or for the City, and in relation to public streets, lanes, alleys, ways, places, and real property of the City, and shall possess such other powers and perform such additional duties not in conflict with this Charter, as may be prescribed by ordinance or the general laws of the State.

Article 26. Street Superintendent

Street superintendent

The Street Superintendent shall be appointed by the City Manager and shall perform such duties as may be prescribed, now or hereafter, by ordinance or general laws of the State. Nothing herein contained shall prevent the City Manager himself from acting as ex-officio City Engineer and Street Superintendent and filling such offices as herein provided.

Article 27. Chief of Police

Chief of police

There shall be a Chief of Police appointed by the City Manager. He shall be the head of the Police Department of the City, and shall have all the powers that are now or may hereafter be conferred upon Sheriffs and other peace officers by the laws of the State. It shall be his duty to preserve the public peace, and to suppress riots, tumults and disturbances. His orders shall be promptly executed by the police officers or watchmen of the City, and every citizen shall lend him aid when requested for the arrest of offenders, the maintenance of public order or the protection of life and property.

He shall execute and return all process issued to him by legal authority. He shall have authority, and it is hereby made his duty to arrest persons violating any law of the State or ordinance of the City. Those arrested for violating City ordinances may, before or after trial, be confined in the County Jail of Monterey County or in the City Prison of Pacific Grove. He shall have such other powers and duties appertaining to his office as may be prescribed by ordinance or by the City Manager, who shall prescribe tests for the examination of applicants for subordinate positions in the Police Department. The salary of the Chief of Police shall be fixed by ordinance.

Article 28. Chief of the Fire Department

Chief of fire department

There shall be a Fire Chief appointed by the City Manager. He shall be head of the Fire Department of the City and shall have charge and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. During the time of a fire he shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time, including

policemen, shall be subject to his orders. He shall appoint and remove all subordinates in the department and make rules and regulations for the government thereof, subject to the approval of the City Manager.

Article 29. City Health Officer

Health officer

There shall be a Health Officer appointed by the City Manager. He shall be a person who has been licensed to practice medicine in the State of California, or who has received special training in public health work. He or his deputies shall exercise general supervision over the health and cleanliness of the City, and take all necessary measures for the preservation and promotion thereof. He shall enforce all laws, ordinances, and regulations relative to the preservation and improvement of the public health, including those provided for the prevention of disease, the suppression of unsanitary conditions. and the inspection and supervision of the production, transportation, storage and sale of food stuffs.

Article 30. Compensation

Compensation

The Council shall fix the compensation of all City officers and employees appointed by the City Manager. The compensation of all officers and employees shall be fixed by ordinance. Any fees received by any officer or employee in connection with his official duties shall be paid by him into the City treasury.

Article 31. Pensions

Pensions

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 or referendum 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.

Article 32. Appointment and Removal of Officers, Trustees and Employees.

Officers, trustees, and employees. Appointment and removal

A Board of five Library Trustees, a Board of five Museum Trustees and a Board of five Recreation Trustees shall be appointed by the Mayor subject to the confirmation of a majority of the Council.

Persons hereafter appointed as Trustees, except persons appointed to fill a vacancy for an unexpired term, shall hold office for four years. No person, except an incumbent Trustee at the time this provision takes effect, shall be eligible for the office of

Trustee for more than two successive terms; provided, however, that any person having served two successive terms as a Trustee may be reappointed to fill an unexpired term of another member after such Trustee has been off the Board for a term of one year. After the expiration of two years any such former Trustee may be reappointed for a full term.

The City Council, by a majority vote of all the members thereof, may remove any member of said Boards of Trustees from office for incompetency, inefficiency, neglect of duty, corruption, or misconduct in office, but such removal must be accompanied by a verified complaint in writing filed with the City Clerk specifying the cause or causes of removal, and the appointee thus removed shall have the right to demand a public hearing in his own defense under protection of court rules or procedure as regards evidence and testimony.

Except as otherwise provided in this Charter, all other City officers and employees shall be appointed, and may be removed by the City Manager.

Article 33. Approving Illegal Claims

Approval of illegal claims

Every officer who shall wilfully and knowingly approve, allow, or pay, any demand on the treasury not authorized by law, shall be liable to the City individually and on his official bond for the amount of the demand so approved, allowed, or paid, and if an appointive officer, shall forfeit his office and be forever disbarred and disqualified from holding any position in the service of the City.

Article 34. Monthly Financial Reports

Monthly financial reports

All officers charged by ordinance with submitting monthly financial reports to the Council, shall submit the same in duplicate, and upon their approval by the Council, one of each of such duplicate reports shall be posted forthwith in the office of the City Clerk in such manner as to be readily accessible to the public, and shall remain so posted until the approval by the Council of the next succeeding financial report when the same procedure shall be followed in relation thereto. The Council, in addition to such posting, may, in its discretion, cause any of such reports to be published at any time.

Article 35. Budget

Budget

Not later than thirty days before the time for fixing the annual tax levy, the City Manager shall submit to the Council an estimate of the expenditures and revenues of the City departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the Manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divi-

sions of all departments, and shall give in parallel columns the following information:

(A) A detailed estimate of the expense of conducting each department as submitted by the department.

(B) Expenditures for corresponding items for the last two fiscal years.

(C) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.

(D) Amount of supplies and material on hand at the date of the preparation of the invoice.

(E) Increase or decrease of requests compared with the corresponding appropriations for the current years.

(F) Such other information as is required by the Council or that the Manager may deem advisable to submit.

(G) The recommendation of the Manager as to the amounts to be appropriated with reasons therefor in such detail as the Council may direct.

Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the City Clerk for inspection by the public, unless the Council shall publish the same in the official newspaper.

After duly considering the estimate as presented in the budget the Council shall pass an ordinance levying the annual tax.

Article 36. Inventory of City Property

Inventory of city property

At the time for preparing and submitting the budget, as prescribed by this Charter, a complete inventory of all real land personal property belonging to the City shall be prepared and filed with the City Clerk, and such inventory shall be submitted to the Council by the City Manager at the time of the submission of the annual budget. Such inventory shall be prepared under the direction of the City Manager, and all chief officials and department heads of the City shall be responsible for making and transmitting to the City Manager a full and correct inventory of all City personal property in their possession or under their control.

Article 37. The Fiscal Year

Fiscal year

The fiscal year of the City shall commence on the first day of July of each year or at such other time as may be fixed by ordinance.

Article 38. Taxation

Taxation

Except as otherwise herein provided, the Council, by ordinance, shall provide a system for the assessment, levy, collection, and equalization of taxes which, as nearly as may be,

shall conform to the system provided by the general laws of the State.

Article 39. License Tax

License tax

The Council shall, by ordinance, fix a license tax for the purpose of regulation and revenue, on businesses, professions, trades, callings and occupations carried on within the limits of the City of Pacific Grove.

Article 40. Annual Tax Levy

Annual tax levy

The Council must finally adopt, not later than the first regular meeting in September, an ordinance levying upon the assessed valuation of all property in the City, a rate of taxation sufficient to raise the amounts estimated to be required in the annual budget and as herein provided, less the amounts estimated to be received from fines, licenses and other sources of revenue. If the city collects its own taxes, the Council shall then deliver the assessment roll to the City Clerk, who shall thereupon compute and carry out the amount of the tax so levied on each parcel of property contained in the assessment roll. The corrected list for each tax shall be the assessment roll of said tax for said year, and it shall be certified by the City Clerk, as being the assessment roll of said tax.

Should the Council fail to fix the tax rate within the time prescribed, then the tax rate for the previous year shall constitute the rate for the current year.

Article 41. Limit and Apportionment of the Tax Levy

Limit and apportionment of tax levy

The tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed the rate of One Dollar on each One Hundred Dollars of the assessed valuation of the real and personal property within the City, except as in this Charter otherwise provided. The moneys collected from such levy shall be placed in the general fund of the City and may be apportioned in separate funds as determined by the Council. No transfer of money shall be made from one fund to another, except of balance in excess of the amount required in a fund or from the general fund to meet deficiencies, or to provide for the redemption of City bonds.

The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended, provided that no increase over said limit, except as herein prescribed, shall be made in any fiscal year, unless authorized by ordinance adopted by the vote of the electors of the City.

Article 42. Special Tax Levy

Special tax levy

The Council shall have power to levy and collect additional taxes sufficient to pay interest on the bonded indebtedness of

the City and to pay and maintain the sinking fund thereof, and for the following purposes only:

(A) For the maintenance and support of a free public library, and the tax levied for such purposes shall not exceed twenty-five cents on each one hundred dollars of the assessed valuation of the real and personal property within the City.

(B) For the maintenance and support of a free public museum, and the tax levied for such purposes shall not exceed fifteen cents on each one hundred dollars of the assessed valuation of the real and personal property within the City.

(C) For the acquisition and (or) construction, as the case may be, of permanent public improvements, or real property, of public buildings and structures including equipping and furnishing the same, and the tax levied for any and all such purposes combined shall not exceed fifteen cents on each one hundred dollars of the assessed valuation of the real and personal property within the City, and no such acquisition or construction shall be charged against the general tax levied to meet current municipal expenses for each fiscal year.

(D) For the maintenance and support of a recreation program for said City, and the tax levied for such purposes shall not exceed fifteen cents on each one hundred dollars of the assessed valuation of the real and personal property within the City.

(E) For the maintenance and improvement of city parks, and the tax levied for such purposes shall not exceed three cents on each one hundred dollars of the assessed valuation of the real and personal property within the City.

Article 43. Tax Liens

Tax liens

All taxes and assessments levied, 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 of each year, and may be enforced by actions to foreclose such liens in any court of competent jurisdiction, or by a sale of the property affected 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 shall be sold to the City in like case and manner, and with like effect and right of redemption as it may be struck off and sold to the State when offered for sale for County taxes; and the Council shall have power to provide by ordinance for the procedure to be followed in such sales to the City and redemption thereafter.

Article 44. Deposit of City Moneys

City moneys: Deposit

All moneys collected for the City by any officer or department thereof shall be paid daily if possible, into the City treasury on designation by the City Manager, or the benefit, and to the credit of the funds to which such moneys severally belong.

Article 45. Payment of City Moneys

Same: Payment

Money shall be drawn from the treasury only upon warrants as herein prescribed. Every demand against the City, from whatever source, must be presented to the City Manager. The City Manager shall satisfy himself whether the money demanded is legally due and its payment authorized by law. If he allows the demand he shall endorse thereon the word "allowed" and sign his name thereto. It shall thereafter be presented to the City Council and if by them allowed shall be signed by the Mayor and City Clerk, and a warrant, numbered and dated the same as the demand, issued and signed by the same officers shall be drawn upon the treasurer. No demand shall be allowed, approved or paid unless it shall specify each item of the claim and the date thereof.

Provided, however, that warrants for wages and salaries shall be allowed by the City Manager and paid regularly from the treasury without the necessity of any demand therefor or approval thereof as in this article prescribed for other claims, and at such time, not in conflict with this Charter, as may be prescribed by ordinance.

Article 46. Expert Accountant

Expert accountant

The Council shall employ a certified or a thoroughly qualified public accountant annually to investigate the transactions and accounts of all officers or employees having the collection, custody or disbursement of public money or property, or the power to approve, allow or audit demands on the treasury.

Article 47. Franchises

Franchises

Every franchise or privilege to construct, maintain, or operate any means or method of transportation on or over any street, lane, alley, or other public place within the City, or to lay pipes or conduits, or erect poles or wires or other structures in or across any public way or place, for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter owned by the City, shall be granted under and in pursuance of the general laws of the State relating to the granting of franchises, provided: no new franchise or the renewal of an existing franchise shall be granted except upon the condition that at least two per cent (2 per cent) of the gross annual receipts derived from the use of such franchise shall be paid the City. In all cases the appli-

cant for a franchise shall advance the cost of advertising the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property with others wherever practicable, and nothing herein shall be construed as prohibiting the Council from requiring other conditions in granting the same not inconsistent with the constitution and general laws of the State. No franchise or privilege so granted shall be sold, leased, assigned, or otherwise alienated, without the express consent of the Council given by ordinance and subject to the referendum.

Article 48. Contract Work

Contract work

In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in furnishing any supplies or materials for the same when the expenditure required for the same shall exceed the sum of Fifteen Hundred Dollars ($1,500), the same shall be done by contract and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper, and security for the due execution and performance of any such contract may be required by the bidder and successful contractor, respectively. The detailed procedure for carrying out the provisions of this article shall be prescribed by ordinance.

Provided, that the Council may reject any and all bids presented and may re-advertise in their discretion, and provided further, that after rejecting bids the Council may declare and determine by a five-sevenths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this article; and

Provided further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council may, by resolution pass by a vote of five-sevenths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon they may proceed to expend, or enter in to a contract involving the expenditure of any sum required in such emergency, on hand in the city treasury and available for such purpose.

Article 49. Street Improvements

Street improvements

Proceedings for all public improvements which are to be paid for by assessments on private property, shall be according to the general laws of the State, provided, however, that prior to the institution of such proceedings, the Council shall take

the proceedings provided in Section 17, Article 13 of the California Constitution or the determination of public interest and necessity or otherwise comply with the provisions of the Special Assessment, Investigation, Limitation and Majority Protest Act of 1931 as now or hereafter amended.

Article 50. Illegal Contracts

Illegal contracts

No member of the Council, or any employee of the City shall become interested in any work or business, or in the sale of any article, or in any contract made by him with or for the City, in his official capacity. No member of the Board of Library Trustees, the Board of Museum Trustees, the Board of Recreation Trustees, or of the City Planning Commission, or of any body or board of the City, or the Fire Chief so long as he shall remain a volunteer and not a regular employee of the City, shall be interested in any work or business or in the sale of any article, or in any contract made by him with or for the City in his official capacity, or as a member of any such board or body.

No officer or employee of the City shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than that proposed by any other bidder, or favor one bidder over another, giving or withholding information, or wilfully mislead any bidder in regard to the character of the materials or supplies of a quality inferior to that called for by the contract, or knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material, or supplies than has actually been received. Any officer or employee violating any of the foregoing provisions of this article shall be guilty of a misdemeanor and be automatically expelled from his office or employment.

If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded by the City has, in presenting any bid or bids, colluded with any officer or employee of the City, or with any other party or parties interested in the same bid or bids, then the contract so awarded shall, if the City so elect, be null and void and the contractor and his bondsmen shall be liable to the City for all loss or damage which the City may suffer thereby. In such event the Council may advertise for new bids for said work or supplies.

Article 51. City Planning Commission

City planning commission

There shall be a City Planning Commission, created by ordinance, pursuant to the general laws of the State of California, and said City Planning Commission shall be vested with all the powers and duties as prescribed by such ordinance, and by the general laws of this State. A Councilman appointed by the Mayor shall be a member of the City Planning Commission.

The City Planning Commission shall elect its own chairman from amongst its members.

Persons hereafter appointed as Commissioners, except persons appointed to fill a vacancy for an unexpired term, shall hold office for four years. No person, except an incumbent Commissioner at the time this provision takes effect, shall be eligible for the office of Commissioner for more than two successive terms; provided, however, that any person having served two successive terms as a Commissioner may be reappointed to fill an unexpired term of another member after such Commissioner has been off the Commission for a term of one year. After the expiration of two years any such former Commissioner may be reappointed for a full term.

Article 52. Public Boards

Public boards: Public library

Section 1. Public Library

The free public library of the City shall be managed except as otherwise provided in this article, under and in accordance with the provisions of the general laws of the State relating to free public libraries. The salaries and compensations of all officers and employees appointed by the Board of Library Trustees shall be paid out of the moneys received by the City from the special levy for the maintenance and support of a free public library.

Public museum

Section 2. Public Museum

The free public museum of the City shall be managed, except as otherwise provided in this article, under and in accordance with the provisions of the general laws of the State relating to free public museums. The salaries and compensation of all officers and employees appointed by the Board of Museum Trustees shall be paid out of the moneys received by the City from the special levy for the maintenance and support of a free public museum.

Recreation board

Section 3. Recreation Board.

The recreation program of the City shall be managed, except as otherwise provided in this article, by a Board of five Recreation Trustees. The salaries and compensation of all officers and employees appointed by the Board of Recreation Trustees shall be paid out of the moneys received by the City from the special levy for the maintenance and support of a recreation program.

The City Council shall have the authority to rescind any rule, regulation or transaction approved by any of said three respective Boards of Trustees and which the City Council finds, by a five-sevenths vote, conflicts with and is contrary to the policy of the City as established by the Charter or any ordinance or resolution adopted pursuant thereto, or to the laws of the State of California. Such action may be taken by the City Council only at a regular meeting thereof held not less than ten days after written notice of intention to rescind

has been delivered personally or by mail by the City Clerk to each member of the respective Board of Trustees involved.

Article 53. Official Records

Official records

All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office, provided, the records of the police department shall not be subjected to such inspection except by permission of the proper police authorities.

Copies or extracts, duly certified, from said books and records open to inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering an established charge.

All officers and boards shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments, in their possession or under their control.

Article 54. Newspaper Advertising

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 designed 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 of adequate circulation within the City.

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 Pacific Grove 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 Pacific Grove, 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 caused the Seal of said City of Pacific Grove to be affixed hereto this 20th day of April, 1955.

CLARENCE A. HIGGINS
(SEAL) Mayor of the City of Pacific Grove
JOHN D. IRWIN
City Clerk of Said City.

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members

Approval

elected to each house voting therefor, and concurring therein, That said proposed charter of the City of Pacific Grove ratified by the electors of said city as aforesaid, as presented to, adopted and ratified by the qualified electors of said City of Pacific Grove, be and the same is hereby approved as a whole, without amendment or alteration, as the charter of the City of Pacific Grove.

CHAPTER 158

Senate Joint Resolution No. 23—Relative to the protection of the public health and safety from the hazards of peacetime use of ionizing radiation and by-product material.

[Filed with Secretary of State, May 10, 1955.]

WHEREAS, Eminent scientists, officers and agencies of the State of California have called attention to a potential hazard to the public health and safety of the people of the State of California resulting from the peacetime medical, industrial, and scientific use of ionizing radiation and by-product material; and

WHEREAS, The Atomic Energy Act of 1954 establishes responsibility for the protection of the public health and safety from the hazards of peacetime uses of special nuclear material, by-product material and the disposal of radioactive waste materials resulting from that use, with the United States Atomic Energy Commission; and

WHEREAS, Despite the representations of the Atomic Energy Commission that these responsibilities are being fulfilled, eminent scientists have advised the Legislature that they continue to believe there is a need for state legislation and for a state agency on radiological services to guard the people of the State of California against the potential hazards resulting from the peacetime use of ionizing radiation and by-product material; and

WHEREAS, There is confusion as to the extent of state jurisdiction to legislate with respect to ionizing radiation and by-product material due to the assumption of jurisdiction within the field by the Federal Government under the provisions of the Atomic Energy Act of 1954; 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 conduct studies to determine whether or not the Atomic Energy Commission is fulfilling its responsibilities for the protection of the public health and safety against the hazards arising out of the peacetime use of special nuclear material, by-product material and the disposal of radioactive waste materials resulting from that use, and to determine the extent it is desirable or necessary for the several states to legislate or to provide services to protect the public from the

hazards arising from the peacetime use of special nuclear material, by-product material and ionizing radiation; 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 159

Assembly Concurrent Resolution No. 121—Relative to the untimely passing of Donald G. Hobbie.

[Filed with Secretary of State, May 10, 1955.]

WHEREAS, Our esteemed colleague, Donald G. Hobbie, has been this morning of May 7, 1955, called from mortal life to the last and greatest reward; and

WHEREAS, Don was born in Cleveland, Ohio, on December 21, 1902, and moved to Los Gatos, California, in 1908; he attended grammar and high schools and the Healds Business College; and

WHEREAS, From 1922 to 1935 he was employed by the Shell Oil Company, which work made it necessary for him to reside in various and many cities of California during that time, including San Jose, Santa Cruz, Monterey, Redwood City, Fresno and Woodland; and

WHEREAS, He settled in Oroville in 1935 and launched his own automobile agency, becoming highly successful in the sale of Chevrolets and Cadillacs to the public; and

WHEREAS, Don and his wife, the former Roma L. Macabee, were blessed with two fine sons, Donald Gordon, Jr., and Richard Allen, both of whom gave many hours of enjoyment, pleasure and comfort to their dad; and

WHEREAS, His accomplishments and service to his community and the State of California are many, a few of which include being a Past President of the Oroville Chamber of Commerce, a Past Exalted Ruler of the Elks, a member of the Masons, Rotary, Fellows Club, Commonwealth Club of California, and the National and Northern California Automobile Dealers' Associations; and

WHEREAS, He was first elected to the Assembly in 1952 and when he ran for re-election in 1954 he was unopposed by either a Democrat or a Republican; his record in the Assembly shows a great active interest in the problems of his constituency, the Fourth District, composed of Butte, Sutter and Yuba Counties, and the other legislation of state-wide importance; and

WHEREAS, This life was taken from our midst while in full bloom, it is well for all of us to reflect upon Don's words of

wisdom, when he said: "California's problems must be solved by men and women with integrity, vision, tolerance, and capacity to put forth unselfish effort"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby extends its deepest sympathy to the bereaved members of his family and its profound regret at the loss of its highly respected member; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Don's wife, Mrs. Roma Hobbie, and his two sons, Donald Gordon Hobbie, Jr., and Richard Allen Hobbie.

CHAPTER 160

Senate Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 8 to Article XXIV thereof, relating to the employment of private architects, engineers and consultants by the State.

[Filed with Secretary of State, May 12, 1955.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its regular session commencing on the third day of January, 1955, 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 8 to Article XXIV thereof, to read:

SEC. 8. Nothing in this article shall prevent the Legislature from enacting legislation to authorize the employment of private architects and engineers on a contract basis for the performance of work which the obtainable staff of a state agency is unable to perform within the time the public interest requires such work to be done.

CHAPTER 161

Senate Joint Resolution No. 11—Relative to flood control in San Bernardino County, California.

[Filed with Secretary of State, May 12, 1955.]

WHEREAS, In 1938 there occurred floods in San Bernardino County, California, of such great severity that much damage was done to persons and to property and the City of San Bernardino was isolated from the Cities of Colton and Redlands; and

WHEREAS, Since 1938 many fires have destroyed forest lands and denuded valuable watersheds in that area, the most recent fire having added over 2,500 acres in Cable Canyon to such previously denuded forest lands; and

WHEREAS, The decrease in watershed areas combined with the present lack of flood control facilities render the San Bernardino area dangerously vulnerable to flood damage; and

WHEREAS, The City of San Bernardino and the adjacent areas have undergone rapid development and expansion in recent years; and

WHEREAS, Unless immediate steps are taken to provide flood control facilities there is a great possibility of a major disaster in the San Bernardino area due to floods; and

WHEREAS, In order to protect the people of this State from further loss of life and property and to prevent great harm to our national defense facilities in the San Bernardino area, it is essential that flood control facilities in the San Bernardino area be provided immediately; 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 appropriate, without delay, such funds as may be necessary to construct adequate flood control facilities for the City of San Bernardino and the adjacent areas in the County of San Bernardino; 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 162

Senate Concurrent Resolution No. 73—Approving amendments to the charter of the City of Stockton, State of California, ratified by the qualified electors thereof, at a consolidated special municipal charter amendment and library bond election held therein on Tuesday, April 12, 1955.

[Filed with Secretary of State, May 12, 1955.]

City of Stockton Charter amendments

WHEREAS, The City of Stockton in the County of San Joaquin, State of California, contains a population of over 70,000 as ascertained by the last preceding census taken under the authority of the Congress of the United States, and has been ever since July 2, 1923, and now is, organized and acting under a freeholders charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held for that purpose on the twenty-eighth day of November, 1922, and approved by the Senate of the State of California on January 22, 1923, and by

the Assembly of the State of California on January 24, 1923, and filed with the Secretary of State on January 29, 1923, which said freeholders charter is printed in full in Chapter 7 of concurrent and joint resolutions and constitutional amendments passed at the regular session of the Forty-fifth Legislature of the State of California and found in Statutes of 1923 at page 1321 and following; and

WHEREAS, Proceedings have been had for the adoption and ratification of certain amendments to the charter of the City of Stockton as set out in the certificate of the mayor and city clerk of the City of Stockton, to-wit:

CERTIFICATE OF THE ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF STOCKTON AT A CONSOLIDATED SPECIAL MUNICIPAL CHARTER AMENDMENT AND LIBRARY BOND ELECTION HELD THEREIN ON THE 12TH DAY OF APRIL, 1955, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF STOCKTON, STATE OF CALIFORNIA.

STATE OF CALIFORNIA,
COUNTY OF SAN JOAQUIN, } ss.
CITY OF STOCKTON,

Certificate

We, Dean DeCarli, mayor of the city of Stockton and B. L. Trahern, city clerk of the city of Stockton, do hereby certify as follows:

That the said city of Stockton in the county of San Joaquin, state of California, is now and at all of the times mentioned herein was a city containing a population of more than seventy thousand inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

That said city of Stockton is now and at all of the times herein mentioned was organized and existing under a freeholders charter adopted pursuant to 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 twenty-eighth day of November, 1922, and approved by the Legislature of the state of California on the twenty-fourth day of January, 1923 (Stat. 1923, page 1321), and filed with the secretary of state of the state of California on January twenty-nine, 1923; and

That pursuant to section 8 of article XI of the constitution of the state of California, the legislative body of said city, i.e., the city council of said city, did on its own motion and pursuant to the provisions of said article and section of the constitution of the state of California duly propose to the electors of the city of Stockton certain proposals for the amendment of the charter of said city to be voted upon by said qualified electors at a certain consolidated special municipal charter

amendment and library bond election held on April 12th, 1955, which said proposals were designated as Proposed Charter Amendments numbered 1, 2 and 3; and

That said proposed charter amendments were, on the 25th day of February, 1955, duly published in each issue of the Stockton Daily Record, a daily newspaper published and circulated in the city of Stockton and the official newspaper of said city, said paper having been designated for said purpose by the said city council; and

That said city council did, by Ordinance No. 2819 adopted on final passage on March 21st, 1955, fix April 12th, 1955, the date of the consolidated special municipal charter amendment and library bond election in Stockton, as the date of the election on said proposed charter amendments.

That said proposed charter amendments were printed in convenient pamphlet form and in type of not less than ten-point, and that the clerk of the city of Stockton caused copies of said proposed charter amendments to be mailed, postage prepaid, to each of the qualified electors of the city of Stockton, said mailing having been commenced not more than forty nor less than fifteen days before the date fixed for election, to-wit: April 12th, 1955, and said mailing having been completed at least ten whole days before said election.

That the city clerk of the city of Stockton did, commencing February 18th, 1955, and continuing through April 12th, 1955, the date of the election, advertise in the Stockton Daily Record, a newspaper of general circulation in said city, and the official newspaper for said city, a notice that copies of said proposed charter amendments might be had upon application at the office of the said city clerk.

That said consolidated special municipal charter amendment and library bond election was held in the said city of Stockton on the twelfth day of April, 1955, which said day was not less than forty, nor more than sixty days after the completion of the advertising of said proposed charter amendments in the Stockton Daily Record, the official newspaper of the city of Stockton, as hereinabove stated;

That at such consolidated special municipal charter amendment and library bond election held as aforesaid on said twelfth day of April, 1955, a majority of the qualified voters of said city of Stockton voting thereon voted in favor of three proposed amendments to the charter of the city of Stockton and duly ratified the same;

That said proposed amendments to the charter of the city of Stockton as aforesaid were and are amendments numbered 1, 2 and 3.

That the city council of said city of Stockton after duly and regularly canvassing the returns of said municipal election at the time and in the manner and form prescribed by law duly found, determined and declared that a majority of the qualified voters of the city of Stockton voting thereon had

voted for and ratified the proposed amendments to the charter of the city of Stockton numbered 1, 2 and 3;

That said proposed amendments to the charter of the city of Stockton ratified by the electors of said city, as aforesaid, are in the words and figures as follows, to-wit:

CHARTER AMENDMENT No. 1

That Section 31.1 be added to Article XXII, the same to read as follows:

Optional fiscal year

Section 31.1. Commencing with July 1, 1956 or with any subsequent July 1st, the City may, if the Council so decides, operate on a fiscal year commencing on July 1st, and ending on the subsequent June 30th. To make possible the transition to a new fiscal year, the Council may adopt a six months' budget for the period from January 1st, through June 30th, of the transition year and may levy a six months' tax rate for said period.

Sections 27, 28, 29, 30 and 31 shall continue in effect for the six months' budget and tax rate in the event that such budget and tax rate are authorized provided however that any reference in said sections to an annual budget or tax rate shall be deemed to refer to said six months' budget or tax rate.

The dates established for the submission of the budget by the City Manager, the delivery of the assessment roll by the City Assessor, and the meetings of the Board of Equalization by the sections referred to in this section permit alternate dates to be established by the Council and such alternate dates shall be established by the Council for the new July 1st through June 30th fiscal year.

The tax lien date established by Section 31 of this Article shall not continue in effect after the adoption of the six months' transition budget by the Council. The new lien date shall be the first Monday in March at 12 o'clock meridian and shall be effective commencing with the year for which the transition budget and tax rate are established.

This section shall not be construed to effect any changes in the functions and procedures established by this Article but is designed solely to permit a change in the fiscal year with a transition budget and tax rate so that the City may avail itself of the powers granted by the provisions of Section 19 of this Article authorizing the assessment, levy, and collection of City property taxes by the County.

CHARTER AMENDMENT No. 2

That Section 4 of Article XX, be amended to read as follows:

Duties

Duties of city attorney

Section 4. The city attorney shall be the legal adviser of and attorney and counsel for the city and for all officers, boards and departments thereof in all matters relating to their official duties. He shall conduct and carry on all suits, actions, and proceedings in behalf of or against the city and shall prepare all contracts, bonds, and other legal instruments in which the city is interested or concerned, and shall endorse on each his approval of the form and correctness thereof or evidence such approval as to form in separate writings to be filed and preserved with the records of the council. He shall prosecute on behalf of the people all criminal cases arising from violations of the ordinances of the city.

He shall also prepare for the city council, all legal papers and forms necessary for the submission of municipal bond issues, and advise the city council as may be necessary in relation to municipal bond issues.

Charter Amendment No. 3

Repeal

That Section 9 of Article XIX, be repealed.

That Section 1 of Article VI be amended to read as follows:

Article VI

Elective Officers

Elective officers

Sec. 1. The elective officers of the City of Stockton shall be nine councilmen and five school trustees.

That Section 3 of Article VI be amended to read as follows:

School Trustees

School trustees

Sec. 3. Five school trustees shall be elected at the general municipal election on a general ticket from the Stockton Unified School District of San Joaquin County, at large. The board of education shall consist of such five school trustees, each of whom shall have the right to vote on all questions coming before the board.

To be eligible for the office of school trustee a person must be a citizen of the United States and have been a resident of the Stockton Unified School District of San Joaquin County for at least three years.

If a vacancy shall occur in the office of school trustee, the board of education shall appoint a person to fill such vacancy. If at any election held under the provisions of this charter, a school trustee be not elected by reason of a tie vote among any of the candidates therefor, then the board of education, after the qualification of the persons, if any, elected thereto at such election, shall select by lot one of the persons receiving such tie vote, to fill such office. In each case, the person so

appointed shall hold office, subject to the provisions of the recall, until the next general election.

The School trustees shall hold office for a term of six (6) years from and after the first Monday in January after their election and until their successors are elected and qualified; provided, however, that the present school trustees shall hold office until their respective terms of office shall have expired. To effect the transition from four (4) to six (6) year terms, the following procedure shall be observed: At the general municipal election of 1955, one of the vacancies then occurring shall be filled for a four (4) year term expiring in 1959, and the other two (2) vacancies shall be filled for six (6) year terms. Thereafter, all vacancies shall be filled for six (6) year terms.

That Section 5 of Article VI be amended to read as follows:

Councilmen's bonds

Sec. 5. Each councilman shall, before entering upon the duties of his office, give and execute to the city a bond in the penal sum of five thousand dollars ($5,000); the City of Stockton to pay the costs of acceptable surety bonds. Every bond shall contain the conditions that the principal will well, truly, honestly, and faithfully perform the duties of his office. The bonds of the several councilmen must be approved by the city attorney, and the approval of the official bonds must be endorsed thereon. All bonds when approved shall be filed with the city clerk. All the provisions of any law of this state, relating to official bonds, not inconsistent with the provisions of this charter, shall be complied with.

That Section 7-2 of Article VI be amended to read as follows:

School trustees. No compensation

Sec. 7-2. The school trustees shall receive no salary or compensation.

That Section 1 of Article XIX be amended to read as follows:

School Department

Stockton Unified School District Powers

Sec. 1. So far as consistent with the constitution and general laws of the state, the Stockton Unified School District of San Joaquin County shall have power to maintain and provide for public schools of any grade within its territorial limits or territory annexed to the city for public school purposes inclusive of the schools belonging to the public school system of the state.

That Section 2 of Article XIX be amended to read as follows:

Control of Schools

Board of education: Powers

Sec. 2. So far as consistent with the constitution and general laws of the state, the board of education shall have entire control and management of any public schools within the city or within any school district of which the city is or may become a part and is hereby vested with all the powers conferred and with all the duties imposed upon it by this charter or by the general laws of the state upon boards of school trustees

generally, so far as applicable to a city board of education, or upon city boards of education generally, so far as applicable to the city.

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 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, Dean DeCarli, mayor of the City of Stockton, and B. L. Trahern, city clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Stockton to be thereunto affixed on this 22d day of April, 1955.

DEAN DECARLI
(SEAL) Mayor of the City of Stockton
B. L. TRAHERN
City Clerk of the City of Stockton
By CONSTANCE MILLER
Deputy Clerk

WHEREAS, Said proposed amendments to the charter of the City of Stockton ratified by the electors of said city, as aforesaid, 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 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 Stockton, after being presented to, adopted and ratified by the qualified electors of said City of Stockton as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration as amendments to and a part of the charter of the City of Stockton.

CHAPTER 163

Assembly Concurrent Resolution No. 119—Relative to the untimely passing of John R. Graham.

[Filed with Secretary of State, May 13, 1955.]

WHEREAS, The sad news of the untimely passing of one of California's great pioneers, John R. Graham, has reached the Legislature; and

WHEREAS, This fine old gentleman was born in San Francisco on January 1, 1869, during the early period of this com-

munity's growth, and was educated in the fine public schools of this thriving metropolis; and

WHEREAS, Having worked from the tender age of 13, packing ice around the hills of San Francisco, he was sent at the age of 22 into the Central Valley by his employer, the National Ice Company, with the admonition to find "a town with a future" as the site for a new agency, and with youthful omniscience and searching foresight he selected Merced, where he opened an agency in 1892 which furnished this growing community with natural ice brought in from Truckee; and

WHEREAS, In 1893 Company H, 6th Infantry of the National Guard of California, was organized and Mr. Graham was commander of the company for six years; and

WHEREAS, He married Miss Mabel Farnell, who was born in Merced, daughter of a pioneer family, and they raised a family of several children; and

WHEREAS, This successful young businessman served as a Merced county supervisor, Merced city councilman, an organizer of the Merced Irrigation District, member of the colorful local volunteer fire group, the El Capitan Hose Company, for 20 years, and as president of the Yosemite-to-the-Sea Roads Association, which was largely responsible for the eventual construction of the All-Year Yosemite Highway, completed in 1911; and

WHEREAS, Among his many other accomplishments he was a president of the California State Automobile Association and served such organization as a director for 40 years, until 1954, when failing health forced him to relinquish his position and he was then given one of but two honorary life directorships which the organization has awarded; and

WHEREAS, He was an active speaker and indefatigable worker on behalf of the state highway bond issues, at the same time devoting much of his valuable time to worthy civic movements and campaigns for the needy; and

WHEREAS, He was a member of the Masonic Lodge, Royal Arch Masons, Rotary Club, Elks Lodge, Yosemite Parlor of the Native Sons of the Golden West, Fresno Consistory of the Scottish Rite, and Islam Temple AAONMS of 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 express their grief at the loss of this widely known advocate of and battler for better roads, John R. Graham, and extend to his surviving family their profound sympathy; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the bereaved members of the family, his two daughters-in-law, Mrs. Pat Graham and Mrs. Yvette Graham, his sister, Mrs. Ethel Sullivan, and his four grandchildren, Bruce Graham, Donald Graham, Mrs. Marilyn Fisher and Mrs. Elaine McDairment.

CHAPTER 164

Assembly Concurrent Resolution No. 118—Approving certain amendments to the charter of the City of Inglewood, a municipal corporation in the County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the twelfth day of April, 1955.

[Filed with Secretary of State, May 13, 1955.]

City of Inglewood 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 Inglewood, a municipal corporation in the County of Los Angeles, State of California, as set forth in the following certificate of the mayor and the city clerk of said city, to wit:

CERTIFICATE OF MAYOR AND CITY CLERK OF THE CITY OF INGLEWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA.

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.
CITY OF INGLEWOOD }

Certificate

We, the undersigned, George C. England, Mayor of the City of Inglewood, County of Los Angeles, State of California, and Leonard C. Fox, City Clerk of said City, do hereby certify and declare as follows:

That the City of Inglewood, 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 three thousand five hundred inhabitants and has been ever since the year 1927 and is now, organized, existing and acting under a freeholders' charter adopted under 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 an election duly held for that purpose on the 14th day of December, 1926, and was thereafter duly approved by the Legislature of the State of California by Assembly Concurrent Resolution No. 12 adopted by the 47th Session of said Legislature, and now found as Chapter 28 of Concurrent and Joint Resolutions of said Legislature (Statutes of 1927, page 2205) filed with the Secretary of State on the 27th day of January, 1927.

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 said City of Inglewood, being the legislative body thereof, on its own motion, by Resolution No. 3693 of said Council, adopted on the 1st day of February, 1955, duly and regularly proposed and submitted to the qualified electors of the said City of Inglewood, six certain proposed amendments to the Charter of said City, designated as Pro-

posed Charter Amendments Nos. 1, 2, 3, 4, 5, and 6, to be voted upon by said qualified electors at a General Municipal Election to be held in said city on the 12th day of April, 1955,

That said General Municipal Election was duly and regularly called, authorized and provided for by said City Council by Ordinance No. 1241, adopted on the 8th day of February, 1955. That said election was duly and regularly held on said 12th day of April, 1955, which day was not less than forty nor more than sixty days after the completion of the publication and advertising of the proposed amendments aforesaid in the Inglewood Daily News, the official newspaper of said City.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Inglewood, on the 11th day of February, 1955, in the Inglewood Daily News, a daily newspaper of general circulation published in said City of Inglewood, 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 10 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 the Charter of the City of Inglewood; and a notice that copies of said proposed amendments might be had upon application therefor at the office of the City Clerk of said City of Inglewood was advertised and published in said Inglewood Daily News on the 15th day of February and on each day thereafter to and including the 12th day of April, 1955, the date of said election, all as required by Section 8 of Article XI of the Constitution of the State of California.

That such copies could be had upon application therefor at the office of the City Clerk of said city until and including the day fixed for said election.

That in accordance with the provisions of the Charter of the City of Inglewood and with the law in such cases made and provided, the City Council of the City of Inglewood, California, did, on the 19th day of April, at the regular meeting thereof, duly and regularly canvass the returns of said election, and did, by its Resolution No. 3726, duly and regularly find, determine and declare the results of said General Municipal Election, as determined from the canvass of the returns therefor aforesaid, to be that a majority of the qualified electors of said city voting on said proposed amendments had voted for and ratified said Proposed Charter Amendments Nos. 1, 3, 4, 5, and 6 and that said Proposed Charter Amendment No. 2 received less than a majority of the votes of the qualified electors voting thereon and was not ratified. That the said amendments to the Charter so ratified by the electors of the City of Inglewood are in words and figures as follows:

CHARTER AMENDMENT No. 1

That subdivision 'Eighty-second' of Section 4 of Article III of the Charter of the City of Inglewood be amended to read as follows:

"Eighty-second: To make contracts providing for payments as the work progresses, but no progressive payment under any such contract shall be for more than ninety per cent of the value of the labor done or materials actually incorporated or used in the work up to the time of such payment, nor shall any such contract provide for or authorize or permit the payment of more than ninety per cent of the contract price before the actual completion of the work to be done under said contract, and the acceptance thereof by the proper officer, department, board or council of said city." Limitation on progress payment contracts

CHARTER AMENDMENT No. 3

That Section 9 of Article IV of the Charter of the City of Inglewood be amended to read as follows:

"Section 9: On or before the first day of October, 1955, and on or before the first day of October of each fourth year thereafter, the council shall by ordinance redistrict the city into four districts for the purpose of electing councilmen therefrom, as contemplated in this charter. Said districts, so revised and fixed from time to time, shall comprise as nearly as practicable equal numbers of voters as determined by the records of the Registration of Voters of Los Angeles County on file with the Registrar of Voters of said County, and be composed of contiguous and compact territory, and bounded by natural boundaries or street lines. Any territory hereafter annexed to or consolidated with said City of Inglewood shall at the time of such annexation or consolidation be added to an adjacent district or districts by the council by ordinance." Redistrict of city

CHARTER AMENDMENT No. 4

That Section 1 of Article XXXIII of the Charter of the City of Inglewood be amended to read as follows:

"Section 1: In the construction, erection, improvement and repair of all public buildings, and works, in all street and sewer work, in all works for protection against overflow or erosion and in all other works, prosecuted by or on behalf of said city, and in the purchasing or acquiring of any supplies, equipment, apparatus or materials for use in or about the same, when the expenditures required for the same exceed 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 paper of said city given by publishing such notice by two consecutive insertions in such newspaper, not more than fourteen days nor less than seven days prior to the time fixed in such notice for the open- Public improvement contracts, bids

ing and declaring of such bids. Such notice shall state the general character of the work contemplated to be done and the nature and amount of any materials, equipment, apparatus or supplies to be furnished."

CHARTER AMENDMENT No. 5

That Section 1 of Article XIV of the Charter of the City of Inglewood be amended to read as follows:

City attorney

"Section 1: The City Attorney shall be an attorney-at-law, duly admitted to practice in the State of California. He shall have been actually engaged in the practice of the profession in this State for a period of at least three years next before his appointment."

CHARTER AMENDMENT No. 6

That Section 1 of Article XXXIV of the Charter of the City of Inglewood be amended to read as follows:

Public accountant

"Section 1: The Council shall employ a public accountant or firm of public accountants annually to investigate the transactions and accounts of all officers and employees having the collection, custody or disbursement of public money or property, or the power to approve, allow or audit demands on the treasury, and said council may authorize such accountant or firm of accountants to make an investigation at any time with reference to any condition relating to the affairs of said city or any officer or employee connected therewith, as to any matter or condition upon which said council may require a report concerning the affairs of said city."

That we have compared the foregoing proposed and ratified amendments to the Charter of the City of Inglewood 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.

That as to each of the amendments to the Charter of the City of Inglewood hereinabove 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 Inglewood applicable thereto, have been fully conformed to and complied with.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the said City of Inglewood to be affixed this 2nd day of May, 1955.

GEORGE C. ENGLAND
Mayor of the City of Inglewood, California

(SEAL)

LEONARD C. FOX
City Clerk of the City of Inglewood, California

and

WHEREAS, 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 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 Inglewood, as proposed to, 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 a part of, the charter of the said City of Inglewood. Approval

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CHAPTER 165

Senate Concurrent Resolution No. 76—Relative to the passing of the Honorable Clarence C. Ward.

[Filed with Secretary of State, May 13, 1955.]

WHEREAS, The people of the State of California in general and the Members of the California Legislature in particular have been shocked and grieved to learn that on the morning of this ninth day of May, 1955, the Honorable Clarence C. Ward, President pro Tempore of the Senate passed from this life; and

WHEREAS, The Honorable Clarence C. Ward was a native of the State of Tennessee, attended high school at Santa Maria and later the University of Southern California, entered the practice of law while a resident of Santa Barbara, served as district attorney of Santa Barbara County from 1923 to 1931, was a veteran of World War I wherein he served with the 337th Aero Squadron; and

WHEREAS, Senator Ward's career as a member and officer of the Senate began when he was elected to the Senate in 1940, from which time he has been continuously re-elected by the people of his district, being selected by his fellow members to the important office of President pro Tempore to which he was elected in 1954 and again in 1955, and

WHEREAS, The Honorable Clarence C. Ward, in addition to his service to the public was a man of varied interest and activities, a lover of outdoor life and an experienced and competent horseman and one who evidenced an active and constructive interest in the development of natural resources; and

WHEREAS, The Honorable Clarence C. Ward, in addition to his distinction and capacity as a public servant and citizen endeared himself to his host of friends and his colleagues in the Legislature by his obvious good-will, his generosity and gentleness of spirit, intemperate utterances and unkindly

words being foreign to his nature, and the raiment of charity and kindliness being his constant habiliment; and

WHEREAS, The Honorable Clarence C. Ward gave generously of his time to the civic and social activities of his home community being an active member of the Elks, the Lions and the American Legion; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, That the Legislature deeply deplores the passing of this outstanding statesman and desires by this resolution to convey its full measure of sympathy to his bereaved widow, and be it further

Resolved, That upon the adoption of this resolution, the Legislature shall adjourn from its labors for the rest of this day in honor of the Honorable Clarence C. Ward, and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to present suitably prepared copies of this resolution to Louise G. Ward, widow, and other bereaved relatives of the Honorable Clarence C. Ward.

CHAPTER 166

Assembly Concurrent Resolution No. 123—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 the city at a special election held therein on the eleventh day of April, 1955.

[Filed with Secretary of State, May 16, 1955.]

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, and 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, 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 11th day of April, 1955.

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 1st day of March, 1955, 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 was published daily continuously in said Fresno Bee-The Republican from and including the 2nd day of March, 1955, until and including the 11th day of April, 1955, 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.

That copies of said pamphlet containing said proposed amendments could be had upon application therefore at the office of the City Clerk of said city at all times, to and including the 11th day of April, 1955, the date fixed for said 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 11th day of April, 1955; 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 11th day of April, 1955, 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 21st day of April, 1955, adopt its Resolution No. 4221 declaring the results of the canvass of the returns of said election and the results of said election 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 certain proposed amendments to the Charter of the City of Fresno, and hereinafter set forth, were ratified by a majority of the electors of said city voting thereon.

That as to said amendments to the Charter 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 10 of Article II of the Charter of the City of Fresno be amended to read as follows:

Powers and jurisdiction of city commission

Sec. 10. Powers and Jurisdiction of City Commission. Subject to the provisions and restrictions in this charter contained, and the delegation by this charter of any of the powers of the city to any person, officer or board, which delegation of power, if any, shall control, the City Commission is hereby vested with power to exercise and perform each and all of the powers conferred upon the city by this charter whether legislative or administrative, and to enact all ordinances and to make all rules and regulations which shall be necessary or proper for carrying into execution the powers conferred upon the city. The City Commission, by the affirmative vote of five members, may create such additional boards, commissions and offices, other than those provided for in this charter, as it may deem necessary for the government of the city, and may prescribe their duties, powers, functions and limitations. The Commission shall provide for each department and board in the city government such subordinate officers and employees as may be necessary for the efficient administration of such departments and boards, and shall fix and regulate the charges and fees of all city officers and employees and compel the payment of such charges and fees into the City Treasury. The City Commission shall have power to decide by the affirmative vote of at least four of its members any conflict of jurisdiction that may arise between the various departments of the city government, or any officers or boards in the city government, and may assign new functions to any department, board or officer, and may transfer functions and duties from any de-

partment, board or officer, to another, except the primary functions and duties prescribed by this charter to be exercised by such department, board or officer. The City Commission shall have general administrative control over all departments, boards and officers, in the performance of their duties, and may direct them in the performance of their duties, but such directions shall be given through the commissioner under whose jurisdiction said department, board or officer exists where there is a commissioner with jurisdiction thereover.

That Section 17 of Article III of the Charter of the City of Fresno be amended to read as follows:

Organization of civil service board

Sec. 17. Civil Service Board, Organization. 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, 1955, the term of another member shall expire on July 1, 1956, and the term of the remaining member shall expire on July 1, 1957. 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 the affirmative vote of five members of the City Commission. Vacancies upon such board shall be filled by the City Commission by the affirmative vote of four 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 and Personnel Director, subject to the approval of a majority vote of the City Commission. The Chief Examiner and Personnel Director shall act as secretary of the board. He shall be at least twenty-five years of age and shall have such education 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 and Personnel Director shall not be appointed from the membership of the Civil Service Board.

That Section 20 of Article III of the Charter of the City of Fresno be amended to read as follows:

Civil service rules

Sec. 20. *Time Extension, Adoption and Modification of* Civil Service Rules. The City Commission, by ordinance shall approve all additions and amendments to the Civil Service rules adopted by the Civil Service Board, with such modifications

as the City Commission may see fit to make, and, after such additions and amendments shall have been so adopted, they may not thereafter be amended or changed except by the affirmative vote of five of the members of the Commission upon the recommendation of the Civil Service Board.

That Section 22 of Article III of the Charter of the City of Fresno be amended to read as follows:

Removal of city officers or employees

Sec. 22. Removals, Procedure. No officer or employee of the city may be removed except for reasons that will promote the efficiency of the public service; and after the lapse of the probationary period, except as in this charter otherwise provided, no officer or employee may be removed except for reasons given in writing by the appointing officer, and the person whose removal is sought shall be furnished with a copy of the reasons for his removal and of any charges preferred against him and be allowed a reasonable time for personally answering the same in writing, and in such answer may demand a hearing upon the charges. If such demand is made, the appointing officer shall furnish the Civil Service Board with the complaint or charges and answer, and the Civil Service Board shall then fix a time and place for, and, according to such rules and regulations as it may adopt, shall conduct a hearing upon the charges and answer, and the party whose removal is sought shall attend such hearing and may be heard in person or by attorney and produce witnesses. The Civil Service Board may regulate the conduct of said hearing so that the same will not be unnecessarily prolonged, and may confine witnesses in their testimony to the material matters under consideration, and shall not be bound by the technical rules of evidence and pleading, and upon said hearing the Civil Service Board may order the charges to be dismissed, in which case the officer or employee shall be restored to duty without prejudice, but if the charges are sustained, the officer or employee shall by virtue of said findings be removed unless the finding in either case is set aside by the City Commission. There shall be no appeal from the judgment of the Civil Service Board as a matter of right on the part of the appointing officer or the officer or employee whose removal is sought, but the City Commission shall have power in its discretion to hear and determine appeals from the decisions of the Civil Service Board. If the officer or employee whose removal is sought is in the exempted service of the city, the hearing, if demanded, shall be conducted in a similar manner, but by the City Commission instead of by the Civil Service Board. Pending the hearing of any charges, whether before the Civil Service Board or City Commission, the officer seeking to make the removal may suspend the officer or employee whose removal is sought, such suspension to be without pay, unless the charges are dismissed. The foregoing provisions in this section contained do not apply to elective officers. The City Commission may itself prefer charges against elective officers who have been convicted of any crime involving moral turpitude, or who have

been convicted of malfeasance in office, or of a felony, and may compel such officers to answer such charges and conduct a hearing thereon, and if the charges are sustained may, by the affirmative vote of five of its members, declare the office vacant, and, pending the hearing, the City Commission may suspend the officer against whom the charges are preferred, such suspension to be without pay, unless the charges are dismissed. The reasons for the removal of an officer or employee removed during his probationary period shall be stated in writing and a copy thereof shall be furnished to the probationer, but the probationer shall not be entitled to any hearing. It is not the intention of the provisions of this section to warrant the retention in the city service of any inefficient, incapacitated, disgruntled, or insubordinate officer or employee, and the Civil Service Board and City Commission in their decisions, while protecting officers and employees from improper removals, shall have due regard for the interests of good administration of the city's business.

That Section 27 of Article IV of the Charter of the City of Fresno be amended to read as follows:

Sec. 27. City Planning. There shall be a Planning Board consisting of nine qualified electors of the City of Fresno who shall be appointed by a majority vote of the City Commission. There shall be a Planning Department consisting of a Director of Planning and such subordinate officers and employees as may be authorized by the City Commission. City planning

That Section 44 of Article V of the Charter of the City of Fresno be amended to read as follows:

Sec. 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. Appropriations

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 the affirmative vote of six members 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 five 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 a new section to be numbered 45.1 is added to Article V of the Charter of the City of Fresno to read as follows:

Capital outlays fund

Sec. 45.1 Capital Outlays. A fund for capital outlays generally and for such special outlays as may be required for the City of Fresno, the Fresno City Water Department and the Fresno City Waste Disposal Department is hereby created. Such fund shall be known as the "Capital Outlays Fund" and once created shall remain inviolate for the purposes for which it was created. The City Commission 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 amounts derived from such levy; provided, however, that the city's tax rate for capital outlay purposes shall not exceed twenty cents in any one year.

That Section 48 of Article V of the Charter of the City of Fresno be amended to read as follows:

Bond issues

Sec. 48. Bond Issues. Money may be borrowed by the city by the issue and sale of bonds on the credit of the city for the acquisition, construction, or completion of any municipal improvement, including bridges, water rights, sewers, drains, public utilities, quasi public utilities, buildings for municipal uses and the equipment and furnishing thereof; fire apparatus, and other municipal equipment; street work, or other works; land for public uses within or without the city, and property or structures necessary or convenient to carry out the objects, purposes and powers of the municipality, and the payment or refunding of bonds previously issued. The specific enumeration of purposes for which bonds may be issued shall not be construed as an abridgement or limitations of the general power granted by this section for the issue and sale of bonds. No bonds shall be issued without the submission of the proposition to issue such bonds to the electors of the city at an election to be held for that purpose and the approval of such proposition by the vote of at least two-thirds of the electors voting on such proposition at such election. No ordinance providing for the issue of bonds or submitting a proposition to issue bonds to the electors shall be passed without the affirmative vote of at least five members of the City Commission. Every issue of bonds shall be payable within a term of years not exceeding forty years, and shall be payable in equal annual serial installments, including

principal and interest, or at a maturity date or dates not exceeding forty years. Every ordinance for the issue of bonds shall provide for the collection of an annual tax sufficient to pay the interest on the bonds as it falls due, and shall provide for a sinking fund for the payment of the principal of the bonds on or before maturity. Sinking funds shall be under the management of the Commission, with the advice of the Commissioner of Finance.

That the first sentence of Section 52.1 of Article V of the Charter of the City of Fresno be amended to read as follows:

Sec. 52.1. Revenue Bonds. Revenue bonds may be authorized by the Commission of the City of Fresno by resolution of five affirmative votes of the Commission at a duly assembled meeting. Revenue bonds

That Section 98 of Article XIII of the Charter of the City of Fresno be amended to read as follows:

Sec. 98. Franchises Granted by Ordinance. Franchises and renewals, extensions, readjustments, resettlements, and amendments thereof shall be granted and made by ordinance and only in such manner as may be prescribed by ordinance. All such ordinances prescribing the manner of granting franchises shall require for their enactment or amendments the affirmative vote of five members of the City Commission. Such ordinances shall provide for the publication of all proposed ordinances, granting franchises, renewals, extensions, readjustments, resettlements or amendments prior to their final enactment, and for a written report upon the proposed franchise, renewal, extension, readjustment, resettlement or amendment by the Commissioners of Finance and Public Works prior to the granting or making thereof. No public utility franchise shall be transferable except with the approval of the City Commission expressed by ordinance; and copies of all transfers, trust deeds, mortgages or other document affecting the title or use of public utilities shall be filed with the Commissioner of Finance within ten days after the execution thereof. Franchises

That Section 111. of Article XIII of the Charter of the City of Fresno be amended to read as follows:

SEC. 111. Optional Method for Extensions of Franchise and Services. Any new franchises hereafter granted to a public utility already enjoying a franchise from the city, for an extension of its service, by ordinance passed by the affirmative vote of five members of the City Commission, may be made coterminous with the then existing franchise of such public utility where such new service and old service are necessary to the proper performance of either service for the public use. The City Commission may, by the affirmative vote of five of its members, declare an extension of the service of any public utility to be a public necessity, and call upon such utility to make such extension and grant a reasonable franchise to such utility for such extension, and, upon the failure of such utility within a reasonable time, to be fixed by the Commission, to make such extension, the Commission shall make an applica- Extensions of franchises

tion to the Public Utilities Commission of the State (or other body with similar jurisdiction created in the place of said Public Utilities Commission) asking for its order in the premises. The matter of reasonableness and terms in the premises shall then be left to the jurisdiction and order of the Public Utilities Commission (or other body within similar jurisdiction created in its stead).

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 4th day of May, 1955.

GORDON G. DUNN
(SEAL) 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 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 167

Senate Concurrent Resolution No. 63—Approving the charter of the City of San Luis Obispo, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the fourth day of April, 1955.

[Filed with Secretary of State, May 18, 1955.]

City of San Luis Obispo New charter

WHEREAS, The City of San Luis Obispo, in the County of San Luis Obispo, State of California, contains a population in excess of 3,500 inhabitants; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of a new charter of the City of San Luis Obispo, as set out in the certificate of the mayor and the city clerk of said City of San Luis Obispo, to wit:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF SAN LUIS OBISPO IN FRAMING A CHARTER FOR ITS OWN GOVERNMENT.

STATE OF CALIFORNIA }
COUNTY OF SAN LUIS OBISPO } ss.
CITY OF SAN LUIS OBISPO }

Certificate

We, the undersigned, Fred H. Lucksinger, Mayor of the City of San Luis Obispo, County of San Luis Obispo, State of California, and Jean H. Fitzpatrick, 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 Jean H. Fitzpatrick, was at all the times herein mentioned, the Clerk of the Legislative Body of said City and City Clerk of said City of San Luis Obispo; that heretofore and prior to the 19th day of February, 1955, the said City Council of the City of San Luis Obispo did cause to be framed a proposed charter for its own government, and on the 19th day of February, 1955, at a duly held meeting of said City Council of said City, said City Council by Resolution No. 1415 (New Series) ordered said City Clerk to place the proposition of the adoption of said proposed charter on the ballot at the general municipal election ordered in the City of San Luis Obispo for the 4th day of April, 1955, for the purpose of submitting said proposition to the electors of said City of San Luis Obispo, and which resolution ordered that said charter be filed with the City Clerk of the City of San Luis Obispo; that said proposed charter of the City of San Luis Obispo was filed in the office of the City Clerk in the City Hall at San Luis Obispo, on the 19th day of February, 1955, and said resolution further ordered that the adoption of the charter should be submitted to the electors at said general municipal election held on the 4th day of April, 1955, and directed that said City Clerk publish said proposed charter in the Telegram-Tribune, a newspaper of general circulation, printed and published in the City of San Luis Obispo; 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;

That said proposed charter was published pursuant to said order in said newspaper and in each edition thereof during the publication on the 21st day of February, 1955, said newspaper being of general circulation in said City of San Luis Obispo; 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, to wit: April 4, 1955, 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 Telegram-Tribune, a newspaper of general circulation printed and published in the City of San Luis Obispo, a notice that copies of said charter were available in the office of the City Clerk of the City of San Luis Obispo and could be secured upon application therefor at said office; that such copies were so available.

That the population of said City of San Luis Obispo 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 4th day of April, 1955;

That at said election a majority of the qualified voters voting hereon voted in favor of said proposed charter.

That the said City Council of the City of San Luis Obispo at a meeting held on April 12, 1955, 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 that the same was adopted and ratified by more than the majority of the qualified voters of the City of San Luis Obispo voting thereon, as follows, to-wit:

Votes in favor of the adoption and ratification of said proposed charter 1442

Votes against the adoption and ratification of said proposed charter 1178

That said election was held in accordance with the existing Charter of the City of San Luis Obispo 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 proposed charter, if approved by the Legislature, shall replace the present charter of said city;

That said charter so proposed, filed, adopted and ratified as herein set forth, is in the words and figures following, to wit:

CITY CHARTER OF THE CITY OF SAN LUIS OBISPO

We, the people of the City of San Luis Obispo, State of California, do ordain and establish this Charter, as the organic law of said City, under the Constitution of the State of California.

Article I. Incorporation and Succession

Name of city

Section 100. Name of the City. The Municipal Corporation now existing and known as "The City of San Luis Obispo" shall remain and continue a body politic and corporate, as at present, in fact and in law, and by such name shall have perpetual succession.

Boundaries

Section 101. Boundaries. The boundaries of the City of San Luis Obispo shall continue as now established until changed in some manner authorized by law.

Rights and liabilities

Section 102. Rights and Liabilities. The City of San Luis Obispo 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 said municipality, and is hereby declared to be the successor of the same. It shall be subject to all liabilities that now exist against this municipality.

Ordinances

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.

Contracts and public improvements Continuance

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 and 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.

Officers and employees Continuance

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 appointed and elective 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 re-elected or their successors are appointed or elected in their place, or until their term of office or appointment otherwise closes.

Article II. Powers of the City.

City powers

Section 200. Powers of City. The City of San Luis Obispo 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 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.

City procedures

Section 201. Procedures. The City shall have the power and may act pursuant to procedure established by any law of the State, unless a different procedure is established by ordinance.

Article III. Elections.

Elections: General municipal

Section 300. General Municipal Elections. General municipal elections to fill elective offices shall be held in said City on the second Tuesday in April in each odd numbered year beginning with the year 1957.

Special municipal

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 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 may hereafter be amended, for the holding of elections in general law cities or cities of the 6th class, in so far as the same are not in conflict with this Charter.

Initiative, referendum and recall

Section 303. Initiative, Referendum and Recall. The provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended governing the initiative, referendum and recall of municipal officers, shall apply to the use thereof in this City in so far as the provisions of the elections code are not in conflict with this Charter.

Eligibility for office

Section 304. Eligibility for Office. No person shall be eligible for election to, or to hold, the office of Mayor or Councilman of said City unless he is and shall have been a resident thereof, or of territory legally annexed thereto, on or prior to

the date of such election or appointment, for at least three years next preceding his election thereto, or his appointment to fill a vacancy therein, and is an elector thereof at the time of such election or appointment.

Article IV. Form of Government.

"Council-administrative officer" form of government

Section 400. Council-Administrative Officer Form of Government. The municipal government provided by this Charter shall be known as the "Council-Administrative Officer" form of government.

Article V. The Elective Officers.

Elective officers Enumeration

Section 500. Enumeration. The elective officers of the City of San Luis Obispo shall be a Mayor and four Councilmen, and five members of the Board of Education. The Council shall consist of the Mayor and four Councilmen, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

Election

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 Office Becomes 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 granted by the City Council 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.

Mayor Term of office

Section 600. Term of Office. The Mayor shall hold office for a term of two years commencing on the first day of May at twelve o'clock noon 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 when present, but shall possess no veto power. Failure or refusal to vote shall be construed as an affirmative vote. He shall be recognized as the official head of the City for all ceremonial purposes, by the Courts for the purpose of serving civil process, 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.

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.

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.

Compensation

Section 604. Compensation. The Mayor shall receive Six Hundred Dollars ($600.00) a year compensation for his services as such, payable monthly, except to the extent heretofore or hereafter approved by the electorate, but the Mayor shall receive reimbursement on order of the Council for Council authorized traveling and other expenses when on official duty.

Article VII. The Council.

Council: Election and terms

Section 700. Election and Terms of Councilmen. At the first general municipal election held under this Charter in April of 1957, two members shall be elected to the Council, and thereafter two members shall be elected alternately at each succeeding biennial election. The terms of each elected member shall commence on the first day of May at twelve o'clock noon, following the election, and each member shall serve for a term of four years, and until his successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

Vacancies

Section 701. Vacancies. If a vacancy shall occur in the office of Mayor or Councilman, 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 304 of this Charter and shall hold office until the expiration of the term of the member whom he is replacing or until his successor is duly elected and qualified.

Compensation

Section 702. Compensation. The Councilmen shall receive Five Hundred Dollars ($500.00) a year, payable monthly, compensation for their services as such, except to the extent heretofore or hereafter approved by the electorate, but the members of the Council shall receive reimbursement on order of the Council for Council authorized traveling and other expenses when on official duty.

Holding other offices

Section 703. 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 and subpoenas

Section 704. 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 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 705. Governing Body. All powers herein granted to and vested in the City of San Luis Obispo shall, except as herein otherwise provided, be exercised by a Council to be designated the Council of the City of San Luis Obispo. 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 706. Meetings of Council. The Council shall, by ordinance or resolution, provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

Section 707. Meetings to be Public. All legislative sessions of the Council, whether regular or special, shall be open to the public.

Quorum

Section 708. 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 of procedure

Section 709. 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.

General powers

Section 710. General Powers of the Council. Subject to the provisions and restrictions in this Charter contained, and the delegation by this Charter of any powers to any person, officer, board, or commission, which delegation of power, if any, shall control, the Council shall have the power, in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution of the State of California, or which now or hereafter it would be competent for this Charter to specifically enumerate. No enumeration or specific statement herein of any particular powers shall be held to be exclusive of, or a limitation of, the foregoing general grant of powers.

Enumerated powers

Section 711. Certain Powers and Duties Enumerated. The Council shall:

(1) Have all the powers of a council under the laws of the State of California, except as otherwise provided herein.

(2) Appoint a City Administrative Officer, a City Treasurer, a City Attorney, a City Clerk-Assessor, a Library Board, a Planning Commission, and a Park and Recreation Commission.

(3) Subject to the provisions and restrictions of this Charter:

(a) Have power to require every railroad company to keep the streets in repair between the tracks, and within the railroad right of way; and

(b) Have power in the interests of public health, welfare and safety to cause the removal and placing underground of all telephone, telegraph, electric light or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, highways and public places in the city.

Method of action

Section 712. Method of Action by Council. All action by the Council shall be taken only by means of ordinance, resolution, or oral motion duly made and passed.

Ayes and noes

Section 713. 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. Failure or refusal to vote shall be construed as an affirmative vote.

Majority vote

Section 714. Majority Vote of Council No ordinance, resolution or motion shall be passed or become effective without receiving the affirmative vote of at least three members of the Council.

Ordinances: Enacting clauses

Section 715. Ordinances. Enacting Clauses. The enacting clause of every ordinance passed by the Council shall be: "Be it ordained by the Council of the City of San Luis Obispo." The enacting clause of every ordinance initiated by the people shall be: "Be it ordained by the People of the City of San Luis Obispo."

Requirements

Section 716. Requirements of 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 until its publication at least once in full in a newspaper of the City of San Luis Obispo at least three (3) days before its adoption; and in case of amendment being made thereto before the final adoption of the ordinance, the amended portion or portions of said ordinance must in like manner be republished at least one day before its adoption as amended, provided that no portion less than a full section shall be so published. The correction of typographical or clerical errors shall not constitute an amendment within the meaning of the foregoing sentence.

Emergency

Section 717. 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 four affirmative votes.

Effective date

Section 718. When Ordinances Go Into Effect. Except as otherwise provided in this Charter, every ordinance and every measure passed by the Council granting any franchise or privilege, shall go into effect at the expiration of thirty days after its final passage, unless otherwise provided in said ordinance or measure; provided, however, that no such ordinance or measure shall go into effect in less than thirty days from its final passage. But ordinances declared by the Council to be necessary as emergency measures as hereinbefore provided, ordinances ordering or otherwise relating to elections, ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments, and taxing ordinances, may go into effect at the will of the Council.

Amendment

Section 719. Amending Ordinances. No ordinance shall be amended by reference to its title, but the sections thereof to be amended shall be re-enacted at length as amended; and any amendments passed contrary to the provisions of this section shall be void.

Codification

Section 720. 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 and codified in accordance with the provisions of the laws of the State of California as the same now exist or may hereafter be amended.

Detailed regulations pertaining to the construction of buildings, plumbing and wiring, fire prevention and similar matters, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided by state law.

Repeal

Section 721. Repeal. No ordinance nor section thereof shall be repealed except by an ordinance adopted in the manner provided in this Charter.

Council as board of equalization

Section 722. Board of Equalization. The Council shall meet at its usual place of holding meetings on the first Monday in July of each year, at ten o'clock in the forenoon of said day, and sit as a board of equalization, and shall continue in session for that purpose, from time to time, until the business of equalization is disposed of, but not later than the third Monday in July. Publication of the time and place of such meeting shall be made by at least one published notice in a newspaper published in the city.

Violation of ordinances

Section 723. Violation of Ordinances. The violation of any ordinance adopted and published by the City Council shall constitute a misdemeanor and may be prosecuted or may be redressed in the manner provided by the general law of the State.

City contracts

Section 724. Public Work and Supplies.

(1) All contracts shall be drawn under the supervision of the City Attorney. All contracts must be in writing, executed in the name of the City, by an officer or officers authorized to sign the same, and must be countersigned by the City Clerk, who shall number and register the same in a book kept for that purpose.

Progressive payments

(2) Progressive Payment of Contracts. Any contract may provide for progressive payments if in the ordinance or resolution authorizing or ordering the work permission is given for such payment. But no progressive payments may be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at any time ninety per cent (90%) of the value of the labor done and the materials 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.

Public works

(3) Public Work to be Done by Contract. In the erection, improvement and repair of all public buildings and works, in all street and sewer work, done under and by authority of the laws of the State creating a bonded indebtedness, and in furnishing any supplies or materials for the same, or for any other use by the City, when the expenditure exclusive of engineering costs required for the same exceeds the sum of Five Hundred Dollars ($500.00) but does not exceed the sum of Two Thousand Dollars ($2,000 00), three informal bids are required; when over Two Thousand Dollars ($2,000.00), formal bids are required, and the contract shall be let to the lowest responsible bidder after notice by publication in a newspaper of the City of San Luis Obispo by at least one insertion, which shall be at least ten (10) days before the time for opening bids; provided, however, the Council may by a three fifths ($\frac{3}{5}$) vote reject any and all bids, if deemed excessive or otherwise contrary to the best interests of the public, and readvertise for bids, or provide for the work to be done or supplies or materials purchased under the direction of the City Administrative Officer, provided the total cost submitted by the City Administrative Officer shall not exceed the lowest acceptable 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 City Administrative Officer. When the estimate of the cost of said work by the Director of Public Works shows that said work can be done for an equal or less cost than that of the lowest bid, then any of the work herein mentioned may be done by the Department of Public Works, and the said department shall be deemed the contractor, with the right to enforce all liens, and with the same powers, rights, duties and obligations as are made and provided by the laws of the State for contractors who have entered into contracts to do such work as the lowest responsible bidder.

(4) Preference to Citizens of the City. Preference to citizens of city

(a) When laborers, workmen or mechanics are employed upon any public work, whether so employed directly by the City and its officers, or by contractors or subcontractors, or by any other person or persons, such laborers, workmen or mechanics whenever practical must be qualified residents of the City for at least ninety (90) days, and veterans and married men must be given preference, other qualifications being equal.

(b) When making purchases for any department of the City, local merchants shall be given the preference, quality, price and service being commensurate.

Section 725. Sale or Lease of City Property. The following regulations shall be applicable to City-owned property: No sale or lease of real property nor any sale of personal property of a value in excess of One Hundred Dollars ($100.00) nor any lease of personal property for a period exceeding three years shall be authorized by the Council except by ordinance passed by the affirmative vote of three-fifths ($\frac{3}{5}$) of all the members of the Council. Disposition of city property

Section 726. Official Bonds. The Council shall, by ordinance or resolution, determine what officers and other persons in the service of the City shall give bond either of an individual type or be included in a master bond, for the faithful performance of their duties and/or honesty, and shall fix the amounts of such bond or bonds, and each of such officers and other persons shall before entering upon the duties of his office or employment, execute a bond to the City in the penal sum provided by such ordinance or resolution, including in the same bond the duties of all offices of which he is made, by this Charter or otherwise, ex officio incumbent. Such bonds must be examined and approved by the Council. All bonds when approved shall be filed with the City Clerk, except the City Clerk's bond, if any, which shall be filed with the City Administrative Officer. All the provisions of any law of this State relating to the official bonds of officers as then existing shall apply to such bonds, except as herein otherwise provided. In all cases where surety company bonds are approved by the Council, the premium therefor shall be paid by the City. Official bonds

Article VIII. City Administrative Officer

Section 800. Tenure of the City Administrative Officer. The City Administrative Officer shall hold office for and during the pleasure of the City Council. Removal of the City Administrative Officer shall be only by a vote of at least three (3) members of the City Council and shall be subject to the following provisions: City administrative officer Tenure

(1) If removal is to be considered, the Council shall by majority vote at a regular Council meeting adopt a resolution stating that at a regular Council meeting at a specified date and time not less than thirty days thereafter the Council will

consider whether, in the city's interest, the services of the City Administrative Officer shall be continued or terminated. A notice of said intention shall be published at least once in a newspaper of the City of San Luis Obispo prior to the expiration of the 30-day period.

(2) Following adoption of the resolution, the City Council may, by majority vote, suspend the City Administrative Officer from his duties pending a determination concerning retention of his services, but his compensation shall continue until such determination is made except in cases involving alleged criminal acts and/or acts involving moral turpitude. In such cases, compensation shall cease upon suspension but may be awarded by the Council later if the accused is found innocent.

(3) At any meeting where the question of retention or removal of the City Administrative Officer is considered, the City Administrative Officer shall have the right to present such evidence in his own behalf as he may desire, but the City Council shall use its uncontrolled discretion in making the decision, and its action shall be final and shall not depend upon any particular showing or degree of proof.

(4) The City Administrative Officer shall notify the City Council at least thirty days in advance of intended resignation. Failure to do so may be grounds for withholding any payments due him for his services. This provision may be waived by a majority of the Council.

(5) Notwithstanding the other provisions of this section, the City Administrative Officer shall not be removed from office during or within a period of ninety days next succeeding any general municipal election held in the City at which election a member of the City Council is elected; the purpose of this provision is to allow any newly elected member of the City Council or a reorganized City Council to become familiar with the affairs of the City and to observe the actions and ability of the City Administrative Officer in the performance of the powers and duties of his office. After the expiration of said ninety day period aforementioned, the provisions of the preceding section as to the removal of said City Administrative Officer shall apply and be effective.

Qualifications

Section 801. Qualifications. The City Administrative Officer 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 with 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. The City Administrative Officer shall be appointed within ninety (90) days after this Charter becomes effective.

Eligibility

Section 802. Eligibility of Councilmen. No member of the City Council shall, during the term for which he was elected or appointed, or for one year thereafter, be eligible to hold the position of City Administrative Officer.

Section 803. Salary. The City Administrative Officer shall be paid a salary commensurate with his duties and responsibilities. Salary

Section 804. Powers and Duties. The City Administrative Officer shall be the administrative head of the government of the City. The Council shall instruct the City Administrative Officer in matters of policy. Any action, determination or omission of the Administrative Officer shall be subject to review by the Council, but the Council may not overrule, change or modify any such action, determination or omission except by an affirmative vote of at least three members of said Council. The Administrative Officer shall be responsible for the efficient administration of all the affairs of the City which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, it shall be his duty, and he shall have the powers set forth in the following sub-sections: Powers and duties

(1) Appoint and, when necessary for the good of the service, discipline and remove all officers and employees of the City except elective officers, the city clerk-assessor, city attorney, city treasurer, and members of the library board, park and recreation commission and planning commission, 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 and submit the annual budget to the Council and be responsible for its administration after its adoption and prepare such estimates and reports as may be required by the Council including the annual report of all the departments of the City.

(3) Make such recommendations to the Council or Board of Equalization regarding the annual assessment roll as he may deem advisable.

(4) Act as purchasing agent for all departments of the City; provided, however, that he may designate some officer or employee of the City to act as assistant purchasing agent, and to perform the duties of the purchasing agent. All purchases shall be made by requisition signed by the City Administrative Officer.

(5) 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.

(6) See that the laws of the State pertaining to the City, the provisions of this Charter and the ordinances, franchises and rights of the City are enforced.

(7) 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.

(8) Interchange employees between or among departments if he deems it proper so to do.

(9) Immediately upon taking office, and annually thereafter, inventory and appraise the value of all real estate, buildings, furniture and fixtures, supplies and movable 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 and maintain a perpetual inventory. One copy of such inventory shall be filed with the City Council and one with the City Clerk.

(10) Act as and be custodian of all City property, custody of which has not been otherwise provided for.

(11) Exercise general supervision over all privately owned public utilities operated within the City so far as the same are subject to municipal control.

(12) See that the provisions of all franchises, leases, contracts, permits and privileges, granted by the City are fully observed, and report to the Council any violation thereof.

(13) The City Administrative Officer may attend any and all meetings of the Planning Commission, Park and Recreation Commission, Library Board, and any other commissions or boards heretofore or hereafter created by the City Council, upon his own volition or upon direction of the City Council. At any such meetings at which the City Administrative Officer attends, he shall be heard by such commissions and boards as to all matters upon which he wishes to address them.

(14) Act as Personnel Officer of the City.

(15) Perform such other duties as may be prescribed by this Charter or required of him by the Council not inconsistent with this Charter.

(16) The City Administrative Officer 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 of San Luis Obispo to serve as City Administrative Officer Pro Tempore during any absence or disability of the City Administrative Officer.

Ineligible persons

Section 805. Ineligible Persons. No person related to the City Administrative Officer by consanguinity or affinity within the third degree shall hold any appointive office or employment with the City.

Article IX. Officers and Employees

Officers and employees' General

Section 900. Officers and Employees. General. The officers of the City of San Luis Obispo shall consist of a Mayor, the Council, the Board of Education, a City Administrative Officer, a City Treasurer, a City Clerk-Assessor, a City Attorney, and such other or subordinate officers, assistants, deputies and employees as the Council may deem necessary to provide for. The City Clerk-Assessor, City Attorney and City Treasurer shall be appointed by and may be removed only by the affirmative votes of a majority of the members of the Council. The City Administrative Officer shall be appointed and re-

moved as provided by Section 800 of this Charter. All other officers and department heads of the City shall be appointed by and may be removed by the City Administrative Officer, except as in this Charter otherwise provided.

Duties

Section 901. Duties of Officers and Employees. After obtaining and considering the recommendations of the City Administrative Officer, the Council shall provide in a manner not inconsistent with this Charter, for the powers and duties of all officers and employees of the City.

Combination of offices

Section 902. Combining of Offices. 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.

Consolidation of functions

Section 903. Consolidation of Functions. 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.

Compensation

Section 904. 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 for any work performed by him as an officer or employee, 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.

Oath

Section 905. 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.

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 third degree of any one or more members of such Council, and neither shall any department head or other officer having appointive power appoint any relative of the Council or himself within such degree to any such position.

Political and 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.

Executive and administrative departments

Section 1000. Assignment of Powers. Organization. After obtaining and considering the recommendations of the City Administrative Officer, the Council shall provide by ordinance or resolution, 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, title, qualifications, powers, duties and compensation of all officers and employees.

Article XI. Boards and Commissions.

Board of education

Section 1100. Board of Education. The control of the public schools of the San Luis Obispo School District and of the Junior High School, Senior High School, and Junior College situated within the boundaries of the San Luis Obispo High School District shall be vested in a Board of Education, which shall consist of five members nominated and elected from the San Luis Obispo High School District at large.

Eligible members

Section 1101. Eligibility. A person eligible to be a member of the Board of Education must have been a resident of the San Luis Obispo High School District for at least three years preceding the date of his election or appointment and an elector thereof at the time of such election or appointment.

Powers and duties

Section 1102. Powers and Duties. The powers and duties of the Board of Education shall be such as are prescribed by the Constitution and laws of the State of California.

Election and terms

Section 1103. Election and Terms. The members of the Board of Education shall serve for terms of four years from the 1st of May at twelve o'clock noon following the election, or until their successors are elected and qualified. The Board of Education in office at the time this charter is approved by the State Legislature shall continue in office until the expiration of the terms to which the members thereof were individually elected; and thereafter, at each biennial election, there shall be elected members of the Board to fill the terms of the members expiring in that year. All vacancies in the Board of Education shall be filled by a vote of the remaining members of the Board for the unexpired term thereof.

Compensation

Section 1104. Compensation. Each member of the Board of Education shall receive five dollars ($5.00) for each regular meeting of the Board of Education which he shall attend; pro-

vided that he shall not receive more than twenty dollars ($20.00) in any one month.

Library trustees:

Section 1105. Library Trustees. The control and administration of the San Luis Obispo Public Library shall be vested in the Board of Library Trustees which shall consist of five members appointed by the City Council for four year terms. The members of the board shall serve without compensation. The first board to be appointed under this Charter shall be chosen as follows: three members for a four year term and two members for a two year term. All terms shall commence July 1, 1955. Thereafter the Council shall appoint either two or three members each two years respectively. Any vacancy in the Board shall be filled by the Council for the unexpired term.

Powers and duties

Section 1106. Powers and Duties. The powers and duties of the Library Board shall be such as are prescribed by ordinance of the City of San Luis Obispo and within the provisions thereof, it may make and enforce rules and regulations as may be necessary for the operation of the Library.

Park and recreation commission

Section 1107. Park and Recreation Commission. There shall be a Park and Recreation Commission consisting of seven (7) members of which not more than five (5) shall be of the same sex. They shall serve without compensation. The members shall be appointed by the City Council for four year terms. The first board to be appointed under this Charter shall be chosen as follows: four members for a four year term and three members for a two year term. All terms shall commence July 1, 1955. Thereafter the Council shall appoint either four or three members each two year respectively. Any vacancy in the Board shall be filled by the Council for the unexpired term.

Powers and duties

Section 1108. Powers and Duties. The powers and duties of the Park and Recreation Commission shall be such as are prescribed by ordinance of the City of San Luis Obispo and within the provisions thereof, it may make and enforce rules and regulations, as may be necessary for the operation, maintenance, management and control of the park and recreation activities of the City.

Reports

Section 1109. Reports. The Park and Recreation Commission shall make full and complete monthly and annual reports to the City Administrative Officer and the City Council and such other reports as may be requested by these officials.

Planning commission

Section 1110. Planning Commission. There shall be a City Planning Commission of seven members who shall serve without compensation for a four year term. The first commission to be appointed under this Charter shall be chosen as follows: four members for a four year term and three members for a two year term. All terms shall commence July 1, 1955. Thereafter the Council shall appoint either four or three members each two years respectively. Any vacancy in the Commission shall be filled by the Council for the unexpired term. The ex officio members of the Planning Commission shall be one member of the City Council elected by and from that body,

the City Attorney, City Engineer, and City Assessor. The ex officio members shall not be entitled to a vote.

Powers and duties

Section 1111. Powers and Duties. The Planning Commission shall have such powers and duties as it may be entitled to under the provisions of the laws of the State of California and/or any ordinances pertaining thereto adopted by the Council.

Boards or commissions: Presiding officer

Section 1112. Presiding Officer. The presiding officer of any board or commission provided for in this article shall be chosen by the members of said board or commission.

Removal of members

Section 1113. Removal of Members of Boards or Commissions. Any provision in this Charter to the contrary notwithstanding, the City Council shall have the right to remove any member of any board or commission appointed by the Council whether said member has completed the term for which he was appointed or not, and no reason therefor need be given, and such removal may be effected by an affirmative vote of three members of the Council.

Article XII. Fiscal Administration.

Fiscal administration: Fiscal year

Section 1200. 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 1201. Tax System. The Council shall by ordinance provide a system for the assessment, levy and collection of City taxes upon property.

Annual budget

Section 1202. Annual Budget. On such date in each year as shall be fixed by the Council, the City Administrative Officer 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 Administrative Officer 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.

Public hearing on budget

Section 1203. Public Hearing on the Budget. After reviewing the proposed budget as submitted by the City Administrative Officer 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 a newspaper in the City of San Luis Obispo. 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.

Adoption of budget

Section 1204. 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 1205. Tax Limit. (a) General. The Council shall not levy a property tax for municipal purposes other than for school purposes, for any fiscal year, greater than eighty-five cents (85¢) on each one hundred dollars of assessed value of 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) 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 provisions 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;

(c) 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 public improvements and betterments. Thirty cents (30¢).
2. For the support and maintenance of the City's public library system. Twenty cents (20¢).
3. For park and recreation purposes. Twenty cents (20¢).

The proceeds from such special levies shall belong to and be paid to special funds set aside for their respective purposes and shall be expended only for such purposes.

Independent audit

Section 1206. Independent Audit. The Council shall employ, at the beginning of each fiscal year, an independent certified or registered 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 Clerk, one to the City Treasurer, one to the City Administrative Officer 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.

Public work Bids required

Section 1207. Public Work to be Done by Contract. Every project involving an expenditure of public monies of more than Two Thousand Dollars ($2,000.00) exclusive of engineering costs, 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 a newspaper in the City of San Luis Obispo by one or more insertions, the first of which shall be at least ten days before the time for opening bids.

Form and security of bids

Section 1208 Form of Bids. Security Required 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 (10%) 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.

Power to reject bids

Section 1209. Council's Authority to Reject all Bids. The Council may reject any and all bids presented and may readvertise in its discretion.

City may perform work

Section 1210. City May Perform Work. 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 Administrative Officer, 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 of the Council may proceed to have said work done in this manner stated, without

further observance of the provisions of this article. Such contracts likewise may be let without advertising for bids, if such work shall 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.

Exemptions

Section 1211. Natural Gas, Telephone Service, Electricity Exempted. Nothing in this article shall be construed to apply to the acquisition or purchase of natural gas, telephone service, electricity, electric power or electric energy by the City for any use or purpose.

Demands against city Money withdrawals

Section 1212. Demands Against the City. Moneys shall be drawn from the City Treasury only in the manner prescribed by ordinance of the Council.

Actions

Section 1213. Action Against the City. (a) 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 Administrative Officer 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 on the account or claim accrued, provided, however, that the Council may by four-fifths majority vote waive this provision as to claims arising out of contract in hardship cases. 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 Administrative Officer shall be deemed a rejection thereof.

(b) The provisions of the foregoing subsection (a) shall not prohibit payment on invoice, claims for goods, wares, materials, and/or services supplied to the City, and the provisions for payment on account of said items shall be set out by an ordinance adopted by the Council.

Article XIII. Franchises

Granting of franchises

Section 1300. Granting of Franchises. The City 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, and to use the public streets, ways, alleys and places, as the same now or may hereafter exist, for the construction

and operation of plants, works or equipment, necessary or convenient for the furnishing thereof, or necessary or convenient for traversing any portion of the City for the transmitting or conveying of any service elsewhere. 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 for making such grants, subject to the provisions of this Charter.

Procedure for grants

Section 1301. 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 (15) days of the passage thereof in a newspaper in the City of San Luis Obispo. The time fixed for such hearing shall not be less than twenty (20) nor more than sixty (60) days after the passage of said resolution. 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, subject to the right of referendum of the people.

Term of franchise

Section 1302. Term of Franchise. Every franchise shall state the term for which it is granted, which, unless it be indeterminate as provided for herein, shall not exceed thirty-five (35) years. No franchise may be renewed until three years before its term expires. 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 by voluntary agreement 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 non-compliance with its terms by the possessor thereof.

Grant to be in lieu of other franchises

Section 1303. Grant to be in Lieu of All Other Franchises. Any franchise granted by the City 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 rights under such franchise, 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 franchises, rights and privileges within the limits of the City as such limits shall at any time exist, in lieu of which such franchise shall be granted. 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 (10) days after the adoption of the ordinance granting the franchise 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.

Eminent domain

Section 1304. 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 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. Every franchise grant shall reserve to the City the right to purchase the property of such utility either at an agreed price or a price to be determined in a manner to be prescribed in the grant, or in the procedural ordinance hereinabove mentioned. In fixing the price to be paid by the City for any utility, no allowance shall be made for franchise value (other than the actual amount paid to the City at the time of the franchise acquisition), good will, going concern, earning power, increased cost of reproduction, severance damage, or increased value of right of way.

Duties of grantee

Section 1305. Duties of Grantee. 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; and

(e) Pay to 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.

Exercising rights without franchise

Section 1306. Exercising Rights 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 day that such condition continues to exist shall constitute a separate violation.

Article XIV. Personnel System.

Personnel administration: Rules and regulations

Section 1400. Rules and Regulations. After obtaining and considering the recommendations of the City Administrative Officer, the Council shall provide by ordinance or resolution, not inconsistent with this Charter, for personnel rules and regulations governing all city employees

Boards

Section 1401. Personnel Board or Personnel Hearing Board. The Council may, in its discretion, establish a Personnel Board consisting of five members, with such terms as the Council may prescribe, or the Council may establish a Personnel Hearing Board consisting of three members.

(a) Should a Personnel Board be established, its members would be appointed by the Council, and its duties would be of an advisory nature to the City Administrative Officer and the Council on all personnel matters On dismissals or other disciplinary actions, the Board would act as a hearing board with power to conduct public hearings on appeal, under such rules as the Council might set up by ordinance or resolution, and upon the conclusion of any hearing, the Board shall file with the Council a written report of its findings.

(b) Should the Council decide to establish a Personnel Hearing Board, its members would be appointed by the Council, and such Board would act only as an appeal board on dismissals or other disciplinary actions and upon the conclusion of any hearing, the Board would cause to be filed with the Council a written report of its findings.

Service by contract

Section 1402. Contract Personnel Service. The City Council shall have the power to enter into a contract with the State Personnel Board, or any other governmental or private personnel agency, to furnish personnel services for the proper selection and management of employees of the City. The Council shall also have power to enter into contracts for limited periods of time with expert, technical, or scientific services in the installation or management of a personnel system.

Political activities prohibited

Section 1403. Political Activities Prohibited. No employee shall take an active part in any municipal political campaign in so far as such campaign pertains to the nomination or election of any candidate for municipal office in the City of San Luis Obispo, nor shall such person secure, contribute, or solicit

the contribution of money towards the nomination or election of any candidate for municipal office in the City, nor shall such person seek signatures to any petition seeking to advance the candidacy of any person for any municipal office in the City. Any person violating this section shall immediately forfeit his office or employment.

Candidacy for public office

Section 1404. May Become a Candidate. Nothing in Section 1403 shall be construed to prevent any full-time employee 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.

Salary and wage survey

Section 1405. Salary and Wage Survey. The City Administrative Officer may once each year, if the Council approves, make or have made, a study of salaries and wages being paid in other comparable public and private agencies, in order to ascertain whether the salaries and wages being paid the City officers and employees for similar work are comparable, and make recommendations to the City Council thereon.

Retirement

Section 1406. Retirement, State System. The City Council is empowered to enter into a contract with the Board of Administration of the California State Employees' Retirement System, as it now exists or may hereafter be amended, making the appointed officials and employees of the City of San Luis Obispo, including the employees of the Public Library, members of the said system. It is provided, however, that the Council may terminate this contract with the Board of Administration of the State Employees' Retirement System only upon authority granted by an ordinance adopted by a majority vote of the electors of the City voting on such a proposition at an election at which such proposal is presented.

Article XV. Miscellaneous Provisions.

Effective date

Section 1500. Effective Date of Charter. This Charter shall take effect from the time of the approval of the same by the legislature.

Applicable law

Section 1501. General Law Applicable. All general laws of the State applicable to municipal corporations, now or hereafter enacted and which are not in conflict with the provisions of this Charter or with ordinances or resolutions adopted in pursuance of this Charter, shall be applicable to the City.

Severability

Section 1502. Validity of Charter. If any section, sub-section, 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 San Luis Obispo hereby declare that they would have adopted this Charter and each section, sub-section, sentence, clause or phrase thereof irrespec-

tive of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional or void.

Violations

Section 1503. 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 a fine of not exceeding one thousand dollars ($1,000.00) 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 in the county jail of the county in which the City of San Luis Obispo is situated.

City income from public utilities

Section 1504. Income from Public Utilities. All income derived from the operation and management of any public utility by the City shall be devoted exclusively to the payment of the expenses of operating, maintaining, improving or bettering such public utility, and to the payment of any debts and interest thereon which may have been incurred for the acquiring, improving, operating or maintaining of such utility.

Amendments

Section 1505. Amendments. This Charter may be amended in accordance with the provisions of Section 8, Article XI, of the Constitution of the State of California.

Construction

Section 1506. Construction of Charter. The word "City" wherever it occurs in this Charter, means the City of San Luis Obispo, 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 San Luis Obispo. The word "Council" when used in this Charter means the Council of the City of San Luis Obispo.

Definitions

Section 1507. Definitions. When used in this Charter the masculine gender includes the feminine and neuter. The present tense includes the past and future tenses, and the future, the present. The singular number includes the plural, and the plural, the singular. "Shall" is mandatory and "May" is permissive. "Oath" includes affirmation.

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 San Luis Obispo 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 San Luis Obispo, 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 San Luis Obispo, California, this 12th day of April, 1955.

FRED H. LUCKSINGER
(SEAL) Mayor of the City of San Luis Obispo, California
JEAN H. FITZPATRICK
City Clerk of the City of San Luis Obispo, California

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 San Luis Obispo ratified by the electors of said city as aforesaid, as presented to, adopted and ratified by the qualified electors of said City of San Luis Obispo, be and the same is hereby approved as a whole, without amendment or alteration, as the charter of the City of San Luis Obispo.

CHAPTER 168

Senate Concurrent Resolution No. 77—Relative to the passing of Thomas Clayton Mott.

[Filed with Secretary of State, May 18, 1955.]

WHEREAS, On May 2, 1955, Thomas Clayton Mott, Consulting Engineer of the Central California Irrigation District and leading citizen of Los Banos, passed away, at the age of 68; and

WHEREAS, A native of Northumberland, New York, Mr. Mott was graduated from the Fort Edwards, New York High School, and the Glenn Falls, New York Academy, and completed his education at Sheffield Scientific School at Yale University in 1908; and

WHEREAS, During the first two decades of this century, he contributed engineering services for some of the most important construction projects of that period, including the New York Barge Canal, the first tube under the Hudson River, and the Mount Royal Tunnel in Canada; and

WHEREAS, Mr. Mott moved to California in 1919, settling on a farm near Madera until 1923, when he accepted a position with Miller and Lux and the San Joaquin Canal and Irrigation Company and moved to Los Banos, and has since held numerous responsible positions in the field of water; and

WHEREAS, He served as Mayor of Los Banos, president of the Los Banos Chamber of Commerce, trustee of the Los Banos Union High School District, and chairman of the Los Banos chapter of the Red Cross, and was a past master of the Los Banos F. & A. M., past patron of Santa Nella OES, and trustee of the Methodist Church in Los Banos; and

WHEREAS, Due to his unrivaled and unequaled knowledge of the San Joaquin River and its tributaries, Mr. Mott was the key figure in the negotiations which brought an improved substitute water supply to several thousand acres of land, and it was largely through his efforts that this area of tremendously productive, but water-deficient, agricultural land has received a water supply which in many respects is unequalled in California and throughout the Nation; and

WHEREAS, Mr. Mott was a man liked as a person as well as respected as an expert, and he will be missed by all who worked with him or knew him socially; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California hereby expresses its sorrow occasioned by the passing of Thomas Clayton Mott and extends its sympathies to his surviving family; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Mr. Mott's widow, Florence.

CHAPTER 169

Senate Concurrent Resolution No. 78—Relative to approving amendments to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the second day of May, 1955.

[Filed with Secretary of State, May 18, 1955.]

City of Napa Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal of adoption and ratification of amendments to the charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as hereinafter set out in a certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA }
COUNTY OF NAPA } ss
CITY OF NAPA }

CERTIFICATE OF RATIFICATION OF TWO AMENDMENTS TO THE CHARTER OF THE CITY OF NAPA

Certificate

We, the undersigned Joe Greco, 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 7th, 1955, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa proposed amendments to the Charter of said City of Napa, said charter amendments being designated as Proposed Charter Amendment No. 1, Proposed Charter Amendment No. 2, and Proposed Charter Amendment No. 3, filed in the office of the Clerk of said City of Napa on said March 7th, 1955, and further ordered that said charter amendments should be submitted to and voted upon by the qualified voters of the City at a General Municipal Election held in said City on the 2nd day of May, 1955.

It is further ordered 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 March, 1955, in "The Napa Register" a newspaper of general circulation printed and published in said City of Napa, and in all the editions thereof issued during said day of publication.

The said General Municipal Election was held in said City of Napa on May 2, 1955, and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendments designated as said Proposed Charter Amendment No. 1, and Proposed Charter Amendment No. 2, and each of them, 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 General Municipal Election to be that a majority of the qualified voters of said City voting on said proposed charter amendments had voted for and ratified said amendments, and that the City Clerk did enter on the record and in the minutes of said City Council a statement of the result of said election.

That the said amendments 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. 1

That Section 66 of the Charter of the City of Napa be amended to read as follows:

"Section 66: Annually, the City Council shall publish a report of the financial proceedings of the City for the preced- Annual financial report

ing fiscal year and copies thereof shall be distributed as prescribed by the City Council so as to reach as many of the Citizens of the City as possible."

CHARTER AMENDMENT No. 2

That the Charter of the City of Napa is hereby amended by amending Section 101 thereof to read as follows:

Public works contracts by bid

"Section 101. In the erection, improvement or repair of all public buildings and works, in all street and sewer work, and in all work in and about streams or waterfronts, or, in or about embankments or other works for protection against overflow and erosion, and in furnishing any supplies or materials for the same, or for any other use by the City, when the expenditure required exceeds the sum prescribed by Section 37902 of the Government Code of the State of California applicable to Sixth Class Cities, or as amended, the same shall be done by contract and shall not be let to other than the lowest and best bidder as determined by the City Council after advertising for sealed proposals for the work contemplated, or supplies or materials required, for five consecutive days in some newspaper printed and published in the City of Napa, or after posting notice inviting sealed proposals therefor for five days on or near the Council Chamber Door. Such notice shall distinctly and specifically state the work contemplated to be done or supplies or materials to be furnished, provided, however, the City 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 proper City Department, or the supplies or materials 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 the responsible bidder. In case no bid is received, the City Council may likewise provide for the work to be done by the proper department or the supplies to be purchased in the open market."

That we have compared the foregoing amendments 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 amendments 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 10th day of May, 1955.

JOE GRECO
(SEAL) Mayor of the City of Napa, State of California.
ALLEN R. THORPE
City Clerk of the City of Napa, State of California.

and

WHEREAS, Said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval 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 concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the charter of the City of Napa, as proposed and adopted and ratified by the electors of said city, as hereinabove fully set forth, 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 Napa. Approval

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CHAPTER 170

Senate Concurrent Resolution No. 79—Relative to the passing of the Honorable Dale C. Williams.

[Filed with Secretary of State, May 18, 1955.]

WHEREAS, The Members of the Senate of the State of California, already bereft by the loss of one of their senior statesmen, are shocked and deeply grieved that on yesterday, the twelfth of May, 1955, one of the youngest Members of the Senate, the Honorable Dale C. Williams was called to his reward; and

WHEREAS, "God moves in a mysterious way his wonders to perform," the Heavenly Father having decreed that this beloved son be granted merciful reprieve from further suffering of the ravages of illness; and

WHEREAS, The Honorable Dale C. Williams was a native of Idaho, becoming a resident of California when he was but one year old, was educated in the schools of Susanville, Portola and Sacramento, was a licensed airplane pilot and a veteran of World War II during which he served in the Air Corps; and

WHEREAS, The Honorable Dale C. Williams had been engaged in the occupation of lumberman and logging contractor and was active in business and civic affairs in Modoc County, having served as President of the Modoc County Chamber of Commerce and of the Wildlife Conservation Association of Modoc County, and was a member of the Society of American Foresters and of the Elks and Lions Club, and was President of the Council of Natural Resources and Coordinator for Civil Defense District No. 2; and

WHEREAS, Though the service of the Honorable Dale C. Williams as a Member of the State Senate was of short tenure, so keen was his mind, so forthright his character and so kindly and generous his attitude toward his fellow members, that he

endeared himself to such a degree that in deference to his passing, the Senate on the day of his death immediately upon convening adjourned in honor of his memory; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature deeply deplore the demise of this fine young statesman and wish by this resolution to convey their deepest sympathy to the bereaved members of his family; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to send appropriately prepared copies of this resolution to the widow, Barbara Williams, and Patricia, Pamela and Paulette Williams, daughters of the Honorable Dale C. Williams.

CHAPTER 171

Assembly Concurrent Resolution No. 125—Relating to the passing of Mr. Edwin A. Meserve.

[Filed with Secretary of State, May 19, 1955.]

WHEREAS, The Members of the Assembly have learned with profound regret of the passing of Mr. Edwin A. Meserve of Los Angeles, one of California's greatest lawyers, the Dean of the Bar of the State of California, who was born in the Mother Lode country in El Dorado County 91 years ago, and educated in Los Angeles High School and Hastings College of Law; Mr. Meserve served as counsel in many cases of great importance, helping to establish much of the law of water rights in this State, and through his profound knowledge of the law, his industry, eloquence and integrity, he rose to a position of leadership among the lawyers of this State, serving at one time as President of the Los Angeles Bar Association; and

WHEREAS, Mr. Meserve was conspicuous not only for his legal ability, but for his interest in public and civic affairs, holding such positions as President of the Los Angeles Community Chest, Chairman of the Governing Board of the Salvation Army and candidate for U. S. Senate on the Republican ticket; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature do hereby desire to express their deepest condolences to the bereaved members of the family of Mr. Meserve, his son, Shirley E. Meserve, his sister, Mrs. Bessie Summer, and his grandchildren, Edwin A. Meserve II and J. Robert Meserve; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to the members of Mr. Meserve's family.

CHAPTER 172

Assembly Joint Resolution No. 33—Relative to the allocation of funds for shipbuilding to Pacific Coast facilities.

[Filed with Secretary of State, May 21, 1955.]

WHEREAS, From 1940 to 1955 there has been an increase in the population of California of approximately 5½ million people; and

WHEREAS, During that period from 1940 to 1955 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 by Congressman Vinson, H. R. 4393, which provides for the construction and conversion of certain modern vessels and for other purposes and authorizes the President to direct and undertake the construction of, or to acquire and convert, modern naval vessels; and

WHEREAS, Congress has made possible a shipbuilding and repair program amounting to four hundred million dollars ($400,000,000) in potential business for American shipyards, half of this amount appropriated by the government, and private business contributing the other portion, such program employing approximately 36,000 persons; and

WHEREAS, Because of the ever increasing population in California from the years 1940 to 1955 from approximately 6½ millions of people to over 12 millions of people, it is essential that California be allocated a major portion of this allocation for the construction, conversion, and repair of naval vessels, so that skilled and unskilled workers may be employed in our shipyards in California; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature does hereby respectfully request the Secretary of U. S. Navy and Federal Maritime Board of the Maritime Administration, or whatever governmental agency that will be empowered to distribute the above mentioned moneys, to allocate an appropriate portion of the funds made available for naval and merchant marine 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 Federal Maritime Board and to each Senator and Representative in Congress from California.

CHAPTER 173

Assembly Concurrent Resolution No. 105—Relative to the purchase of canned tuna.

[Filed with Secretary of State, May 21, 1955.]

WHEREAS, The tuna canning industry is an important element of the economy of the State of California, producing a canned fish product having a value in excess of 130 million dollars each year, by harvesting and processing a renewable natural resource of the sea; and

WHEREAS, The industry is presently faced with the grave threat of loss of markets due to severe competition from imports of cheap tuna, produced in countries whose living standards are lower by far than those rightfully enjoyed by California's hard-working and industrious fishermen and cannery workers; and

WHEREAS, If these markets are lost to the tuna processing industry because of such competition, the fishermen and cannery workers face loss of their employment, and the processors and boat owners face serious financial difficulty which eventually may drive them out of business, thereby destroying an important source of wealth to the State; and

WHEREAS, The entire tuna industry, fishermen, boat owners, canners and related groups have declined to seek governmental assistance in the form of subsidies, etc., but instead have developed a nation-wide promotional campaign to increase the sale and consumption of canned tuna, which campaign will reach its peak during the period of June 2 to June 11, 1955; and

WHEREAS, The United States Government through the Department of the Interior and the Department of Agriculture has recognized the need for promoting the consumption and distribution of the ample supplies of canned tuna at reasonable prices which are now in the inventories of the processors and the channels of distribution and has ordered the widest possible use of the facilities of both departments to promote the consumption and distribution of canned tuna over the entire Country; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in order to assist the California tuna canning industry in its program to promote the consumption and distribution of canned tuna, thereby assuring the continued prosperity of the industry, the continued employment of cannery workers, and fishermen, all state agencies responsible for the purchase of food supplies for state institutions are hereby requested by the Legislature to purchase California-produced canned tuna in quantity for consumption in such state institutions while supplies are ample and prices reasonable, especially during the period June 2 to June 11, 1955; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the Governor, the Director of Finance, the Department of Mental Hygiene, the Department of Corrections, the Youth Authority, the University of California, each governing head of each state college, the Department of Education for dissemination to each school cafeteria, the California Maritime Academy, the Commandant of the Eleventh Naval District, the Commander of the Sixth Army Area, and the commanding officers of every military base and naval post within the State, urging their cooperation in the form of more frequent servings of the valuable protein food, California canned tuna.

CHAPTER 174

Assembly Concurrent Resolution No. 111—Relative to the Republic of Mexico's Ninety-third Anniversary of the Cinco de Mayo.

[Filed with Secretary of State, May 21, 1955.]

WHEREAS, On May 5th, our friend and neighbor, the Republic of Mexico, celebrates the ninety-third anniversary of her revered national holiday, Cinco de Mayo; and

WHEREAS, It was on this very day in 1862 when a small band of brave men under the command of Ignacio Zarogoza, greatly outnumbered, defeated the French in the Battle of Guadalupe, this glorious victory becoming an inspiring symbol of the people of Mexico's determination to achieve independence from foreign domination; and

WHEREAS, The flame of independence that burned so brightly on the fields of Guadalupe on the fifth day of May, 1862, continued to shed its light and courage, until today the Republic of Mexico shares with the rest of the hemisphere a common heritage of freedom and independence; and

WHEREAS, It is most fitting and proper to honor our good neighbor in her valiant struggle for freedom and to take this opportunity to reaffirm our faith in our free and independent form of life; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature, on behalf of the people of the State of California, extend to the people of Mexico their best wishes and felicitous greetings on the occasion of the celebration of their great national holiday, Cinco de Mayo, conveying to them our sincere expression of warm friendship and good will; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to His Excellency Adolfo Ruiz Cortines, the President of the Republic of Mexico.

CHAPTER 175

Assembly Concurrent Resolution No. 129—Relative to approving amendments to the charter of the City of Redondo Beach, a municipal corporation in Los Angeles County, State of California, voted for and ratified by the qualified electors of the said city at a general municipal election held therein on the twelfth day of April, 1955.

[Filed with Secretary of State, May 21, 1955.]

City of Redondo Beach Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal of adoption and ratification of amendments to the charter of the City of Redondo Beach, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set out in a certificate of the mayor and 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 free holders 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. 1461 adopted on the 21st day of February, 1955, duly propose to the qualified electors of said City of Redondo Beach, certain amendments to Article VI and Article VIII 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 21st day of February, 1955, proclaim and fix the 12th day of April, 1955, 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 25th day of February, 1955, 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 12, 1955, 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 6 4 OF ARTICLE VI OF THE CITY CHARTER.

Article VI.

Section 6.4. Vacancies. Any vacancy arising in the City Council, or any elective office, shall be filled by a majority of the remaining members of the City Council, such appointee to hold office until the first day of the month following the next General Municipal Election and until his successor is elected and qualified. At the next General Municipal Election following the existence of any vacancy, an official shall be elected to serve for the remainder of any unexpired term. Vacancies in elected offices

"PROPOSED AMENDMENT TO ARTICLE VIII OF THE CITY CHARTER.

That Article VIII of the City Charter be amended by adding thereto a new section to be known as 'Section 8.5' and to read as follows:

Article VIII.

Section 8.5. If the Mayor shall be absent from any meeting of the City Council, the City Council shall appoint one Mayor pro tem

of its members as Mayor Pro Tem to act during such meeting who shall have during the date of his appointment all the powers of the Mayor as enumerated in Article VIII of this charter."

IN WITNESS WHEREOF, we have hereunto set our signatures, and caused the official seal of the City of Redondo Beach to be affixed this 25th day of April, 1955.

J. RUSSELL SHEA
(SEAL) Mayor of the City of Redondo Beach
FRED M. ARNOLD
City Clerk of the City of Redondo Beach.

Approved as to form
FRANK L. PERRY
City Attorney

and

WHEREAS, Said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval 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 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 Redondo Beach, as proposed and adopted and ratified by the electors of said city, as hereinabove fully set forth, 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 Redondo Beach.

CHAPTER 176

Senate 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 repealing Section 31b of Article IV thereof, adopted November 8, 1932, which relates to the acquisition and holding of stock of mutual water companies by the City of Escondido, by repealing Section 31c of Article IV thereof, adopted November 3, 1942, by repealing Section 31d of Article IV thereof, and by amending Section 13 of Article XII thereof, relating to the ownership of capital stock in water companies.

[Filed with Secretary of State, May 24, 1955]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1955 Regular Session commencing on the third day of January, 1955, two-thirds of the members elected to each of the two houses of the Legis-

lature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

First. That Section 31b of Article IV thereof, adopted November 8, 1932, which relates to the acquisition and holding of stock of mutual water companies by the City of Escondido, and Section 31c of Article IV thereof, adopted November 3, 1942, and Section 31d of Article IV thereof be repealed.

Second. That Section 13 of Article XII thereof be amended to read:

SEC. 13. The State shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation, except that the State and each political subdivision, district, municipality, and public agency thereof is hereby authorized to acquire and hold shares of the capital stock of any mutual water company or corporation when such stock is so acquired or held for the purpose of furnishing a supply of water for public, municipal or governmental purposes; and such holding of such stock shall entitle such holder thereof to all of the rights, powers and privileges, and shall subject such holder to the obligations and liabilities conferred or imposed by law upon other holders of stock in the mutual water company or corporation in which such stock is so held.

CHAPTER 177

Assembly Concurrent Resolution No. 122—Relative to memorializing George Loring Porter Stone.

[Filed with Secretary of State, May 24, 1955]

WHEREAS, On January 17, 1955, at Playa del Rey, California, one of California's highly distinguished citizens, George Loring Porter Stone, Captain, U. S. Navy, Retired, passed away; and

WHEREAS, It is only fitting that the Legislature note his accomplishments in service for his Nation, State and community; and

WHEREAS, George Loring Porter Stone was born on July 15, 1875, in Washington, D. C., the son of Elizabeth Davis Bowie Stone, of Bowie, Maryland, and Brinton Stone, of Coatesville, Pennsylvania; and

WHEREAS, After attending the Friends Select School in Baltimore, Maryland. and the Franklin School in Washington, D. C., he was appointed a midshipman, U. S. Navy, on September 26, 1890, to serve at the U. S. Naval Academy, Annapolis, Maryland; subsequently he was appointed an ensign and reported for active duty on July 1, 1896; and

WHEREAS, George Loring Porter Stone was promoted through the various commissioned ranks of the Regular Navy until he

was appointed captain on July 1, 1919, which rank he held until he retired on December 24, 1928; and

WHEREAS, George Loring Porter Stone served as commanding officer of the U.S.S. Georgia, the U.S S. Missouri, the U.S.S. Minnesota, the U.S.S. Connecticut, the U.S.S. Seattle, the U.S.S. Pueblo, and the U.S.S. Tennessee, and received the Navy Cross on November 22, 1920, for exceptionally meritorious service in a duty of great responsibility as commanding officer of the U.S S. Missouri, Atlantic Fleet, and as commanding officer of Receiving Ship at New York; and

WHEREAS, George Loring Porter Stone received the Philippine Campaign Badge No. 27 on November 2, 1908, while serving on the U.S.S. Chester, the Mexican Campaign Badge No. 54 on July 23, 1918, and the Victory Medal and Atlantic Fleet Clasp in recognition for services rendered in World War I, and received various other commendations for meritorious duty; and

WHEREAS, George Loring Porter Stone, Captain, U. S. Navy, Retired, was the founder and leader of many civic and patriotic organizations in Los Angeles County, particularly in and near Playa del Rey, setting an example of unselfish devotion to the welfare of his community; and

WHEREAS, George Loring Porter Stone worked unceasingly from the day of his retirement in 1928 until his death this year for the establishment of a harbor near Playa del Rey, sometimes called the Marina del Rey; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby express their deep regret at the loss of such an outstanding and notable citizen and hereby record their testimonial to his many accomplishments; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to his widow, Catherine Theresa Linne Stone, his son, George Loring Porter Stone II, his daughter, Elizabeth Catherine Stone Parsons, the Civic Union of Playa del Rey, and to the Board of Supervisors of Los Angeles County, so that such board may suitably display its copy of this resolution in the principal office of the Marina del Rey when that harbor shall have been completed.

CHAPTER 178

Assembly Concurrent Resolution No. 126—Relative to the designation of Alkali Charlie Brown, Sage of Shoshone, as successor to Death Valley Scotty and Prospector Laureate of California.

[Filed with Secretary of State, May 24, 1955]

WHEREAS, The passing in January of 1954 of Death Valley Scotty robbed the State of its foremost living symbol of the

traditions of the Old West, and there has been keen competition to succeed to this honored position in California unofficialdom; and

WHEREAS, The Legislature has canvassed the field and has concluded, after careful consideration of the matter, that in the ranks of the Senate itself there is, in the person of the Senator from the Twenty-eighth District, a man who is, by reason of his history and personal characteristics, most eligible to receive this honor; and

WHEREAS, Alkali Charlie Brown, the Sage of Shoshone, born in the State of Georgia in 1893, who for 15 years after his arrival in Inyo County in the earth-shaking year of 1906 was a successful miner, thereafter opening the general store he operates today, is possessed of characteristics like those of the famed natural wonders within his district—profundity to match the plumbless depths of azure Mono Lake, stature to rival the awesome heights of Mount Whitney, vision as boundless as the limitless stretches of the vast Mojave Desert, a mind as free of error as is Alpine County of populace, the independence and resoluteness of the hardy wild burro, which creature he has so long championed, a craggy countenance that evidences strength like that of the great Sierras, surmounted by a sparse growth that brings to mind the arid wastes of Death Valley; and

WHEREAS, It is fitting that a career of public service that included 14 years' service as member of the Board of Supervisors of Inyo County prior to Alkali Charlie's election to the Senate in 1938 be climaxed by the honor here awarded; and

WHEREAS, Alkali Charlie Brown will be aided and abetted in the undertaking of the duties of this momentous office by his helpmate, Mrs. Stella Brown, who has assisted her husband in his every endeavor for 45 years, ever since their marriage in 1910, and also by his two sons, Charles Brown, Jr., and George Brown, and his two daughters, Bernice Brown Sorrells and Celesta Brown Gilliam, and especially by his 14 civilized grandchildren; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Alkali Charlie Brown, the Sage of Shoshone and Senator from the Twenty-eighth District, as successor to Death Valley Scotty is hereby officially designated Prospector Laureate of California, with all the honors and privileges thereunto appurtenant; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit to Alkali Charlie, preferably by 20-mule team, a suitably prepared copy of this resolution.

CHAPTER 179

Assembly Concurrent Resolution No. 99—Relative to merit awards to state employees.

[Filed with Secretary of State, May 25, 1955.]

WHEREAS, Section 13926 of the Government Code provides awards may be made to state employees in excess of one hundred fifty dollars ($150) when such awards are approved by concurrent resolution of the Legislature; and

WHEREAS, An award of one hundred dollars ($100) has already been made jointly to Charles C. Warden, Inspector, Automotive Equipment, California Highway Patrol, and Herbert Nugent, Inspector of Automotive Equipment, Department of Finance, for a suggestion that effects an annual saving in excess of six thousand dollars ($6,000), recommending that the State consummate agreements with authorized dealers of the Chevrolet, Ford, and Oldsmobile factories providing that dealers making repairs to state automobiles do so at the factory flat rate for labor and also give fleet discounts on all furnished parts; and

WHEREAS, An award of one hundred dollars ($100) has already been made to Bertram V. Malstrom, Accounting Tabulating Machine Supervisor, Department of Employment, for a suggestion that results in an annual saving of two thousand eight hundred sixty-eight dollars ($2,868) through the elimination of the interfiling of 800,000 expired employment benefit ledger cards into the claim records files of that department; and

WHEREAS, An award of one hundred dollars ($100) has already been made to Miss Nell Biggs, Supervising Clerk II of the Department of Motor Vehicles for a suggestion that saves three thousand one hundred eighty-nine dollars ($3,189) annually through the elimination of making positive copies of duplicate drivers' licenses; and

WHEREAS, An award of one hundred dollars ($100) has already been made to Mr. Lawson A. Davenport, Fish Hatcheryman, Department of Fish and Game, for a suggestion that results in an annual saving of fifteen thousand four hundred sixty-one dollars ($15,461) for an improved method of feeding fish at state fish hatcheries; and

WHEREAS, The maximum award of one hundred fifty dollars ($150) has already been made to Al Reese, Senior Warden Pilot, Department of Fish and Game, for a suggestion that effects an annual saving of nine thousand five hundred thirty-five dollars ($9,535) through his method of using hypnotic drugs for transporting and handling fish to the streams and lakes where they are planted; and

WHEREAS, The maximum award of one hundred fifty dollars ($150) has already been paid to M. Dale Gerken, Accounting Technician III, Department of Employment, for a suggestion which results in increased earnings to the Unem-

ployment Trust Fund of seventeen thousand eight hundred seventy-eight dollars ($17,878) annually, achieved by the department withdrawing unemployment insurance funds from the United States Treasury Department on a daily basis rather than weekly with interest earnings distributed to the respective states on the average daily balances in the trust fund, and by this method permitting a higher daily balance to be maintained by the State of California in the Unemployment Trust Fund of the United States Treasury Department, resulting in increased interest as above during the period from February, 1954, through January, 1955; and

WHEREAS, The maximum award of one hundred fifty dollars ($150) has already been made to Gerald W. Brown, Senior Drafting Aid for the Board of Equalization, for his suggestion that results in a saving of five thousand eight hundred seventy-three dollars ($5.873) through the use of an image projector in producing maps used in assessment work of the Board of Equalization; and

WHEREAS, An award of one hundred fifty dollars ($150) already has been made to Egon A. Priebe, Semisenior Accountant, Walter W. Polls, Accounting Tabulating Machine Supervisor I, and Jessie Jerke, Accounting Technician II, and Edward J. Gill, Accounting Technician II, Department of Employment, for a suggestion submitted jointly, resulting in an annual saving of three thousand four hundred fifty-eight dollars ($3,458) through the elimination of control tapes for wage record balancing; and

WHEREAS, An award of one hundred fifty dollars ($150) already has been paid to Vincent J. Sinkus, Supervising Tabulating Machine Operator, Department of Motor Vehicles, for suggesting the listing of automobile tab numbers, 25 to a card in numerical sequence instead of maintaining a separate card for each tab number, thus making unnecessary an expenditure of fifteen thousand nine hundred sixty-nine dollars ($15,969) for file cabinets otherwise necessary to record annually such automobile tab numbers; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the following additional awards are hereby authorized, subject to the approval of the State Board of Control, to the employees named:

Charles C. Warden, two hundred fifty dollars ($250);

Herbert Nugent, two hundred fifty dollars ($250);

Bertram V. Malstrom, one hundred eighty-six dollars ($186);

Nell Biggs, two hundred eighteen dollars ($218);

Lawson A. Davenport, one thousand four hundred forty-five dollars ($1,445);

Al Reese, eight hundred three dollars ($803);

M. Dale Gerken, one thousand six hundred thirty-seven dollars ($1,637);

Gerald W. Brown, one hundred forty-four dollars ($144);

Egon A. Priebe, forty-nine dollars ($49);
Walter W. Polls, forty-nine dollars ($49);
Jessie Jerke, forty-nine dollars ($49);
Edward J. Gill, forty-nine dollars ($49);
Vincent J. Sinkus, six hundred fifty dollars ($650); 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 the State Controller.

CHAPTER 180

Assembly Concurrent Resolution No. 108—Relative to the report of the annual convention of the Disabled American Veterans of the Department of California.

[Filed with Secretary of State, May 25, 1955]

Resolved by the Assembly of the State of California, the Senate 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 1955 and 1956, 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 the same to be payable from the legislative printing appropriation.

CHAPTER 181

Assembly Concurrent Resolution No. 109—Relative to reports of the annual conventions of the Military Order of the Purple Heart.

[Filed with Secretary of State, May 25, 1955]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That there shall be printed as a public document 500 copies of the report of the annual conventions of the Military Order of the Purple Heart during the years 1955 and 1956, respectively, together with illustrative copies of all general orders enacted at such conventions and of the official roll, 350 copies for the use of the Assembly and 150 copies for the use of the Senate; the cost of the same to be payable out of the legislative printing appropriation.

CHAPTER 182

Assembly Concurrent Resolution No. 110—Relative to reports of the annual conventions of the American Veterans of World War II (AMVETS).

[Filed with Secretary of State, May 25, 1955.]

Resolved by the Assembly of the State of California, the Senate 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 1955 and 1956, 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 183

Assembly Concurrent Resolution No. 135—Relative to the retirement of Professor Samuel C. May of the University of California.

[Filed with Secretary of State, May 25, 1955]

WHEREAS, This present week marks the retirement of Professor Samuel C. May, professor of political science at the University of California, after a long and distinguished career in the field of education and in devotion to public service; and

WHEREAS, Professor Samuel C. May has been instrumental in the development of many public agencies, including the Bureau of Public Administration at the University of California, an agency which has been of material assistance to the Legislature of this State in the field of research upon problems for legislative consideration; and

WHEREAS, It is proper that the Legislature take note of the many achievements of Professor May, who was born in Portland, Oregon, on December 7, 1887, the son of Emanuel May and Amelia Selling May, graduated from the Yale University School of Law with the degree of bachelor of laws in 1912, awarded the degree of master of arts by Columbia University in 1920, and who since the time of his own education has been constantly engaged not only in the education of others in his chosen field of political science, but who has also been engaged in the practical application of his learning and skill. Professor May practiced law in the City of Portland, Oregon, and has been an instructor in political science at Dartmouth College, assistant professor of political science at the University of

California between 1921 and 1925, associate professor at the university between 1925 and 1930, and a full professor since the year 1930. He has been director of the Bureau of Public Administration at the university since 1930, having been director of that bureau between 1922 and 1930 before it was given status as a separate agency of the university; and

WHEREAS, Professor Samuel C. May has been active in civic affairs and has given freely of his time, energies, and resources to the conduct of government. He has been a member of the City Council of Berkeley, California, the United States delegate to the Union of Cities in Paris, France, in 1925, a United States delegate to the International Congress of Local Authorities in London in 1932, and again in Berlin in 1934 and 1936, a United States delegate to the International Institute of Administrative Science at Warsaw in 1936, at Bucharest in 1938, and again at Knocke, Belgium, in 1952 and since the year 1932 a member of the American Committee for International Municipal Cooperation, and since 1933 a member of the American Committee of the International Institute of Administrative Sciences.

WHEREAS, It is proper that the Legislature take notice of the retirement of such a distinguished citizen as Professor May, and extend its congratulations to him upon the attainment of such a long and successful career; 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 takes note of the long and distinguished service and career of Professor Samuel C. May, and upon the occasion of his retirement as professor of political science at the University of California avails itself of this opportunity to review briefly many of his successes and achievements; and be it further

Resolved, That this Legislature extends to Professor May its appreciation and that of the people of the State of California for his many contributions in his chosen field of education and in his long career of public service to the advancement and welfare of the common good of the people of the State of California, and extends to Professor May the best wishes of the Members of this Legislature for many years of happiness and continued service in his retirement; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to prepare and transmit to Professor Samuel C. May at his home in Berkeley, California, a suitably prepared copy of this resolution.

CHAPTER 184

Assembly Concurrent Resolution No. 137—Relative to approving certain amendments to the charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the third day of May, 1955.

[Filed with Secretary of State, May 25, 1955.]

City of Santa Barbara Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } ss.
CITY OF SANTA BARBARA

Certificate

We, the undersigned, John T. Rickard, Mayor and presiding officer of the City Council of the City of Santa Barbara, and Faye Griffen, City Clerk and ex-officio clerk of the Council of said city, do hereby certify as follows:

That the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, now is and at all times herein mentioned was, a city containing a population of more than 3500 inhabitants and less than 50,000 inhabitants, and ever since the year 1927 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 such city at a special election held for that purpose on the 16th day of November, 1926, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on January 19, 1927 (Stats. 1927, p. 2061).

That the City Council of said city, being its legislative body, on its own motion, and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, duly and regularly submitted to the qualified electors of the City of Santa Barbara certain proposals for the amendment of the charter of said city to be voted upon by said qualified electors at a General Municipal Election called and held for that purpose in said city on the 3rd day of May, 1955.

That said proposed amendments were duly and regularly published and advertised on March 15, 1955, in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Santa Barbara News-Press", a daily

newspaper of general circulation, printed, published and circulated in said city, there being no official paper of said city.

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten point, and until the date fixed for the election hereinafter described, and as required by law, a notice was published in said "Santa Barbara News-Press" that such copies could be had upon application therefor at the office of the City Clerk of the City of Santa Barbara.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the date fixed for the election hereinafter described. That copies thereof were duly mailed to each of the qualified electors of said city.

That said City Council did by Ordinance No. 2477 order the holding of a General Municipal Election in said City of Santa Barbara on May 3rd, 1955, for the purpose of submitting to a vote of the electors of said city, said proposed charter amendments, and which date of 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 at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify three of said proposed amendments to the charter of said city.

That the City Council of the City of Santa Barbara, in accordance with the law in such cases made and provided, did meet on the 11th day of May, 1955, at an adjourned regular meeting of such Council, and duly canvassed the returns of said election as certified by the election boards.

That the City Council of the City of Santa Barbara, in accordance with the law in such cases made and provided, did meet again on the 20th day of May, 1955, at an adjourned regular meeting of such Council and duly counted the absentee ballots of said election and completed the canvass of entire election and duly found and determined and declared that said proposed amendments to the charter of the City of Santa Barbara hereinafter set forth were ratified by a majority of the electors of said city voting thereon.

That said amendments to the charter so ratified by the electors of the City of Santa Barbara is in words and figures as follows, to-wit:

CHARTER AMENDMENT

Repeal

The Charter of the City of Santa Barbara is hereby amended by repealing Sections 55 and 56 in Article IV and Section 140 in Article XXI, and Section 41 in Article III, subparagraph (f) of Section 50 in Article IV, Section 53 in Article IV, and subparagraph 5th of Section 120 in Article XIX of said Charter is amended respectively to read as follows:

"Article III

General, etc., funds

Section 41. At the time of fixing the tax levy, the council shall, by ordinance, establish a general fund and the various

funds as provided for by the budget, including a water department fund, and no transfer of any money shall be made from any other fund to another until the end of the fiscal year, at which time, after all demands have been paid out of the various funds, there shall be transferred any remaining balance in any of such funds, except the water department fund, to the general fund; and the council may then authorize a transfer from the general fund to any other including the water department fund, in which there is an overdraft created by an actual emergency in the department, but under no other conditions may such transfer be made. All revenues of every nature from the water department of the city, and from the furnishing of water to the citizens of Santa Barbara and adjacent territories, shall be placed in the water department fund as so established, and all monies in the said water department fund shall be used exclusively for the purposes of the water department, and for the furnishing of water to the citizens of Santa Barbara and adjacent territories, including operation, maintenance, repair, extension and development of a water system, sinking fund and interest on bonded indebtedness incurred for water department purposes, whether now or in the future to be incurred, and all other needs and uses connected with the furnishing of water as aforesaid, and no monies from said water department fund shall ever be placed in, or transferred to, the general or any other fund of the City.

Article IV

Warrants, fiscal affairs

Section 50 . . . (f) To sign all warrants on the City Treasurer as well as all contracts entered into by the City; to exercise control and supervision over the internal administration of the fiscal affairs of the City, including accounting procedures and controls necessary or desirable for complete and accurate recording and control of all financial transactions.

City clerk Qualifications and duties

Section 53. The City Clerk shall have been a citizen of the state, and a resident and qualified elector of the city for at least two years next preceding the day of his appointment. He shall have the custody and be responsible for the corporate seal, and all books, papers, records and archives belonging to the city, not in actual use by other officers, or otherwise by special provision committed to their custody. He shall be present at each meeting of the council during its sessions; and keep a journal of all its proceedings.

Article XIX

Powers and duties

Section 120 . . . 5th: All powers and duties by law conferred or imposed upon the county clerk are hereby conferred and imposed upon the city clerk, and all powers and duties by law conferred or imposed upon the county auditor are hereby conferred and imposed upon the chief administrative officer."

CHARTER AMENDMENT

Repeal

The Charter of the City of Santa Barbara is hereby amended by repealing subparagraph (n) of Section 50 in Article IV and there is added to Article III thereof a new section to be numbered Section 41.1 and to read as follows:

"Article III

Examination of books, etc

Section 41 1. At least once every year, the council shall appoint a qualified public accountant to examine the books, records, papers, conditions and affairs of every department, board and officer, and the council shall enforce such examination. Any person or officer refusing to submit to or to permit such examination, or purposely delaying or impeding the same may be suspended from office by the Chief Administrative Officer for malfeasance in office."

CHARTER AMENDMENT

The Charter of the City of Santa Barbara is hereby amended in subparagraph (c) of Section 50 in Article IV as follows:

"Article IV

Powers and duties

(c) Except as otherwise provided in this Charter, to exercise control and general supervision over all departments, boards, divisions and bureaus of the City government and over all the appointive officers and employees and public institutions thereof, including the Water Works of said City and the Superintendent thereof; to see that the books and records of the said departments, boards, divisions, bureaus, appointive officers and persons are kept in a legal and proper form and the duties and obligations thereof are executed and discharged with fidelity and exactitude; to lay before the Council any official defalcation, or neglect of duty, or official misconduct he may discover, or which shall be reported to him, in order that the public interest shall be protected and the person in default proceeded against according to law; to have power to suspend any appointive officer for dereliction, neglect or nonperformance of duty, and to thereupon report the same to the Council, which said Council, after investigating the charge against such appointive officer, may authorize the suspension of such officer for such time as it may seem proper, may restore such officer to duty, or may declare the office vacant and the vacancy thereby created shall be filled as in this Charter provided."

The Amendments contained in the foregoing Sections numbered 41 in Article III; 50(f) and 53 in Article IV; 120 -5th in Article XIX; 41.1 in Article III; and subparagraph (c) of 50 in Article IV, of the Charter of the City of Santa Barbara shall take effect on and not before the first day of the calendar month next succeeding the date of approval thereof by the Legislature of the State of California.

We further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Santa Barbara 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 Santa Barbara to be affixed hereto this 20th day of May, 1955.

JOHN T. RICKARD
(SEAL) Mayor of the City of Santa Barbara
FAYE GRIFFEN
City Clerk and ex-officio clerk of the Council of the City of Santa Barbara

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 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 amendments to the charter of the City of Santa Barbara 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 amendments to and as part of the charter of the City of Santa Barbara. Approval

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CHAPTER 185

Senate Concurrent Resolution No. 83—Approving certain amendments to the charter of the City of Oroville, a municipal corporation in the 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 eleventh day of April, 1955.

[Filed with Secretary of State, May 26, 1955.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendments to the charter of the City of Oroville, a municipal corporation in the County of Butte, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit: City of Oroville Charter amendments

CERTIFICATE OF PROCEDURE FOR APPROVAL OF CHARTER AMENDMENTS TO THE CHARTER OF THE CITY OF OROVILLE

STATE OF CALIFORNIA }
COUNTY OF BUTTE } ss.

Certificate

We, the undersigned, Conrad L. Weisker, Mayor of the City of Oroville, and Ralph M. Carpenter, Clerk of the City of Oroville, do hereby certify and declare, as follows:

That the City of Oroville 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 have ever since the 27th day of January, 1933, 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 22nd day of October, 1931, and approved by the Legislature of the State of California, on the 27th day of January, 1933.

That the legislative body of said City, to-wit, the Council of said City, of its own motion, pursuant to the provisions of Section VIII, Article XI of the Constitution of the State of California, by resolution adopted on the 7th day of February, 1955 and duly published in the manner and form required by law, duly proposed to the qualified electors of the City of Oroville certain amendments to the charter of said City, and did order that said proposed amendments be submitted to the qualified electors of said City on the 11th day of April, 1955, at the General Municipal Election to be held in said City, the date of which election is fixed by said charter of the City of Oroville 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 17th day of February, 1955, in accordance with Section VIII, Article XI of the Constitution of the State of California, in the "Oroville Mercury-Register", a daily newspaper of general circulation printed and published in the City of Oroville and having a general circulation therein.

That the said Council of the City of Oroville did by Resolution No. 1485 entitled a "Resolution Calling General Municipal Election to be Held on Monday, the 11th day of April, 1955" duly adopted on the 7th day of February, 1955, order the holding of the General Municipal Election of the said City of Oroville on the 11th day of April, 1955, 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 or more than sixty days after the completion of the publication of the proposed charter amend-

ments. That due and legal notice of said election was given as provided by law as appears from the affidavit of publication now on file in the office of the City Clerk of the City of Oroville.

That said General Municipal Election was held in the City of Oroville on the 11th day of April, 1955, which said day was not less than forty days nor more than sixty days after the publication of the "Resolution of Proposed Amendments to the Charter of the City of Oroville be Submitted to the Voters of said City in the General City Election to be held in said City on April 11, 1955", as aforesaid.

That the Council of the City of Oroville did in the manner provided by law, duly and regularly canvass the returns of said election, and did duly declare the results of said election insofar as it concerned the said proposed charter amendments as determined from the canvass of the returns thereof, which results were as follows:

Proposition No. 1

Total ballots cast	854
In favor of ratification of said Proposed Charter Amendment	752
Against the ratification of said Proposed Charter Amendment	102

Proposition No. 2

Total ballots cast	796
In favor of ratification of said Proposed Charter Amendment	658
Against the ratification of said Proposed Charter Amendment	138

Proposition No. 3

Total ballots cast	803
In favor of ratification of said Proposed Charter Amendment	514
Against the ratification of said Proposed Charter Amendment	289

Proposition No. 4

Total ballots cast	745
In favor of ratification of said Proposed Charter Amendment	560
Against the ratification of said Proposed Charter Amendment	185

That at the said General Municipal Election held on the 11th day of April, 1955, as aforesaid, that 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 Oroville 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 IX of the Constitution of the State of California, and which are in the words and figures as follows:

General elections

Proposition No. 1: Charter Amendment No. VII. Article IV, Section No. 1, shall be amended as follows: General Elections shall be held in the City of Oroville on the second Tuesday in April of each odd numbered year, under and pursuant to the General Laws governing elections of Cities of the sixth class, so far as the same may be applicable and except as herein otherwise provided; subject, however, to the provisions of Article XXX, Section No. 7, hereof, as to the first officers elected hereunder.

Contract work

Proposition No. 2: Charter Amendment No. VIII. Article XXVIII, Section No. 2, shall be amended to read as follows: Contract Work. In the erection, improvement and repair of all public buildings and works, in all street and sewer work or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, when the expenditure required for the same shall exceed the sum of two thousand dollars, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication for two successive insertions in a newspaper published in the City of Oroville.

Provided, that the Council may reject any and all bids presented and may readvertise, in its discretion; and

Provided further, that after rejecting bids, and on the recommendation of the City Engineer, the council may declare and determine by a five-sevenths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of a resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this section; and

Public calamity, etc

Provided further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, the council may by resolution passed by a vote of five-sevenths of all its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon it may proceed to expend, or enter into a contract involving the expenditure of any sum required in such emergency.

Proposition No. 3: Charter Amendment No. IX. Article XXVIII, Section No. 4, shall be amended to read as follows:
Contracts. Any city officer may purchase and bind the City to pay for any item included in his budget not exceeding $100.00 in any one complete purchase. Contracts

By order duly adopted by a vote of five members, the Council may authorize any official to bind the City without advertising, in an amount not to exceed $2,000.00.

Any purchase or contract for work in excess of $2,000.00 shall be advertised and sealed proposals invited.

Proposition No. 4: Charter Amendment No. X. Article XXX, Section No. 2, shall be amended to read as follows:
General Laws Applicable. All general laws of the State applicable to municipal corporations of the sixth class now or hereafter enacted, and which are not in conflict with the provisions of this charter or which ordinances hereafter enacted, shall be applicable to the City of Oroville. Applicable laws

Wherever reference is made in this Charter to Cities of the fifth class, such reference shall hereafter be deemed to be to cities of the sixth class as the same are defined by general laws of the State of California.

The Council may adopt and enforce ordinances which in relation to municipal affairs, shall control as against the general laws of the State.

Provided, that where a procedure for the exercising of any rights or powers belonging to a City, is provided by statute of the State of California, such procedure shall control and be followed unless a different procedure is provided in, or by ordinance enacted under authority of, this charter.

We further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Oroville with the original proposals submitting the same to the electors of said City, and find that the foregoing is a full, true and exact correct copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Oroville to be affixed hereto this 17th day of May, 1955.

(SEAL)

CONRAD L. WEISKER
Mayor
R. M. CARPENTER
City Clerk

and

WHEREAS, Said proposed charter amendments as ratified as hereinabove set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval 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 concurring, a majority of all the members elected to Approval

each house voting therefor and concurring therein, That said amendments to the charter of the City of Oroville, 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 alteration or amendment, for and as amendments to and as part of the charter of said City of Oroville.

CHAPTER 186

Assembly Joint Resolution No. 36—Relative to federal research of problems relating to chronic alcoholism.

[Filed with Secretary of State, May 26, 1955.]

WHEREAS, In 1954, the State of California created an Alcoholic Rehabilitation Commission to undertake a program of research and treatment in the field of chronic alcoholism, and the Honorable Goodwin J. Knight, Governor of the State of California, has stated that in his opinion this commission offers greater hope to more people than any commission in the history of this State; and

WHEREAS, While some other states, in addition to California, have launched similar programs to attempt to find the solution to the ever-increasing problem of alcoholism, this problem is nation-wide in scope and importance and it is felt that the Federal Government should assume its proper burden in the field of research and treatment in connection with the disease of chronic alcoholism, in the same manner as it has done in the case of other diseases, such as narcotic addiction, mental health, cancer, heart disease, dental diseases, arthritis, rheumatism, multiple sclerosis, cerebral palsy, epilepsy, poliomyelitis, blindness, leprosy and other diseases; and

WHEREAS, The importance of the problem of alcoholism cannot be overemphasized, since it has a tremendous impact not only on the social or moral standards of the people of this Nation but also upon the Nation's economy; and

WHEREAS, It has been estimated that the problem of alcoholism costs industry in this Nation in the neighborhood of one billion two hundred fifty million dollars ($1,250,000,000) a year, and in California alone, in 1954, it has been estimated that alcoholism cost the taxpayers of this State one hundred fifty million dollars ($150,000,000), such costs being represented by the loss to industry due to diminished production and absenteeism and the increased cost of operation of police departments, courts, jails, and hospitals and in providing welfare, aid to needy children, and disability and unemployment insurance, and by the increase in juvenile delinquency caused by alcoholism; 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 such legislation and make such appropriations as may be necessary to institute a program of research and treatment with respect to the problem of chronic alcoholism, such program to be administered by the United States Public Health Service, and which program may provide both for assistance to and cooperation with states conducting research and treatment programs with respect to chronic alcoholism; 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 187

Senate Concurrent Resolution No. 91—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 May, 1955.

[Filed with Secretary of State, May 27, 1955.]

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 Gladys H. Murphy, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at an election held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the

Secretary of State on the fifteenth day of February, 1911 (Statutes of 1911, p. 1551).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Oakland, being the legislative body of said City, on its own motion by its Resolution No. 32695 C.M.S. passed March 15, 1955, and by its Resolution No. 32696 C.M.S. passed March 15, 1955, duly and regularly proposed and submitted to the qualified electors of said City, eight certain proposals designated as Propositions 1, 2, 3, 4, 5, 6, 7 and 8, 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 May, 1955. 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 No. 32695 C.M.S., and that by said resolution said special election was duly and regularly consolidated with the General Municipal Election to be held in said City on said date. 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 manner provided by law, after due notice given and published, with the said General Municipal Election, on the 17th day of May, 1955, 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 6th day of April, 1955, 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 10 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 6th day of April, 1955, and on each day thereafter to and including the 17th day of May, 1955, 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 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, on the 20th day of May, 1955, at a meeting duly and regularly called and held at its usual place of meeting, which meeting was recessed to and reconvened on the 23rd day of May, 1955, duly canvassed 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 May, 1955, at its usual place of meeting, said Council by its Resolution No. 33060 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, 2, 3, 4, 5, 6 and 7 was ratified by a majority of the qualified electors of said City voting thereon, and that said proposed amendment to said Charter designated as Proposition 8, 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:

Amend Section 88 of the Charter to read as follows:

Qualifications.

Police department Qualifications of members

Sec. 88. No person shall become a member of the Police Department unless he shall be a citizen of the United States of good character for honesty and sobriety. Every appointee to the Department shall be not less than twenty-one nor more than thirty years of age, and before his appointment must pass a satisfactory examination under such rules and regulations as may be prescribed by the Civil Service Board.

Add new Section 96 (1.5) and new Section 104 (1.5) to the Charter to read as follows:

Pension to Dependents When Retired Member Dies from Non-Service Connected Causes.

Pension when injury non-service connected

Sec. 96 (1.5). (a) Upon the death of a member of the Department who had been retired under this article, and such death shall occur after the effective date of this section and shall result from causes other than injuries received in or illness caused by or arising out of the performance of duty, two-thirds of such member's pension at the time of death shall be continued regardless of the age of the surviving widow, to dependents of the member in the order of succession and upon the conditions provided in Section 245.

(b) There shall be deducted from each monthly installment of pension due to such retired member under the provisions of this article a sum equal to 1½% of such monthly installment which sum shall be retained by the Treasurer of the City and forthwith paid by him into the Police and Fire Retirement Fund.

(c) The provisions of subdivisions (a) and (b) of this section shall not be applicable to any retired member of the Department who has not within 90 days after the ratification of this section by the State Legislature filed with the Secretary of the Police and Fire Retirement Board said member's written election to be subject to the provisions of said subdivisions.

Pension to Dependents When Retired Member Dies from Non-Service Connected Causes.

Same

Sec. 104 (1.5). (a) Upon the death of a member of the Department who had been retired under this article, and such death shall occur after the effective date of this section and shall result from causes other than injuries received in or illness caused by or arising out of the performance of duty, two-thirds of such member's pension at the time of death shall be continued regardless of the age of the surviving widow, to dependents of the member in the order of succession and upon the conditions provided in Section 245.

(b) There shall be deducted from each monthly installment of pension due to such retired member under the provisions of this article a sum equal to 1½% of such monthly installment which sum shall be retained by the Treasurer of the City and forthwith paid by him into the Police and Fire Retirement Fund.

(c) The provisions of subdivisions (a) and (b) of this section shall not be applicable to any retired member of the Department who has not within 90 days after the ratification of this section by the State Legislature filed with the Secretary of the Police and Fire Retirement Board said member's written election to be subject to the provisions of said subdivisions.

Add a new Section 219a to the Charter to read as follows:

Civil Service.

Exemption from civil service

Sec. 219a. Notwithstanding any other provision of this Charter to the contrary, all personnel employed in the physical or mechanical handling, moving or checking of cargo and freight shall be exempt from the operation of Civil Service rules and from the provisions of Article XIII of this Charter. The exemption of such personnel from the operation of Civil Service rules shall not in any way affect existing Civil Service rights held by any employee.

Add a new Section 212a to the Charter to read as follows:

Operation of Facilities.

Operation of facilities

Sec. 212a. Notwithstanding any other provision of this Charter to the contrary, the Board shall not be required to directly operate all of the properties, facilities and utilities under its control or jurisdiction, and shall have the power to authorize the operation of any of such properties, facilities and utilities by a private person, firm, association or corporation, whether by lease, franchise, license, assignment, permit or otherwise, upon such terms and conditions as the Board shall prescribe, which terms and conditions shall include control over the rates, charges and practices of said private party to the extent permitted by law.

Add a new Section 223(11) to the Charter to read as follows:

Incurring Indebtedness.

Incurring indebtedness

Sec. 223 (11). In addition to all other powers herein granted to it and notwithstanding any other provision of this Section 223, the Board is authorized: (a) from time to time to incur indebtedness for the purpose of the acquisition, construction, completion or improvement of any structure or facility which the Board is authorized to develop, construct, reconstruct, alter, repair, maintain, equip or operate pursuant to Section 212, and to lease such structure or facility to any person, subject to the limitations of this section; provided that no such indebtedness shall constitute a debt, liability or obligation of the City of Oakland, that each such indebtedness shall be repaid exclusively from the income and revenue referred to in this clause (a), and that the Board shall provide not later than the date on which each such indebtedness is incurred for payment in full of the principal of and interest on such indebtedness by a pledge of all or any portion of the gross income derived or to be derived by the Board from the lease of such structure or facility and of all or any portion of any other income and revenue then or thereafter under control of the Board as shall be legally available for such purpose (all hereinafter in this section referred to as "the pledged

income and revenue"); (b) for the purpose of paying the principal of and interest on such indebtedness, to assign to any person all or any portion of the pledged income and revenue; and (c) notwithstanding the provisions of Section 222(3), to deposit the assigned portion of the pledged income and revenue in a special fund other than the Port Revenue Fund provided for in said Section 222(3), which said special fund (i) may be held or maintained by the Board or by the assignee of the assigned portion of the pledged income and revenue and (ii) shall be used and applied by the Board or such assignee only to pay the principal of and interest on such indebtedness. Any pledged income and revenue remaining in any such special fund after payment in full of the principal of and interest on the indebtedness for which said special fund was created shall be deposited by the Board in said Port Revenue Fund.

Any lease executed by the Board pursuant to this section shall be for a term of not to exceed 50 years and shall be made by the Board only after complying with the provisions of Section 214 of this Charter. Any such lease may provide that all or any part of the cost of maintenance of the leased structure or facility shall be paid by the lessee thereof or by the Board and, to the extent that such cost is to be paid by the Board, that such payment shall be made either from gross income to the Board from such lease or from any other legally available funds of the Board.

Any indebtedness incurred by the Board pursuant to this section shall (1) be evidenced by contract or other written instrument which may be made by the Board without complying with any of the provisions of Section 215 of this Charter and which shall be signed by the President of the Board and approved by a resolution of the Board, (2) bear interest at a rate not exceeding 6% per annum payable annually or more often as shall be provided by the Board at the time such indebtedness is incurred and (3) be paid in not to exceed 50 years from the date on which it is incurred on such terms and conditions and subject to such right of payment of all or any part of such indebtedness prior to maturity as shall be provided by the Board at the time such indebtedness is incurred; provided, that the Board may fix a date not more than 5 years from the date of incurring any such indebtedness as the date of payment of the first installment of the principal thereof and that beginning on such date not less than 1/50 of the principal amount of such indebtedness shall be paid annually and the entire principal amount thereof shall be paid in not to exceed 50 years from the date on which it is incurred.

The term "person" as used in this section means any individual, firm, association, private or public corporation, public district or political subdivision of the State of California, the State of California, the United States of America, or any agency or authority of any thereof.

Add Section 69a to the Charter to read as follows:

Sec. 69a. 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 Park Directors" shall read "Park Commission"; "Board" shall read "Commission"; "Director" either singular or plural shall read "Commissioner" singular or plural accordingly; "Park Director" shall read "Park Commissioner"; and "President" shall read "Chairman". Change in names

Wherever in this Charter the word "Board" is used with application to the Board of Park Directors, it shall be construed to refer to the Park 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.

Add a new Article XXVII to the Charter, comprising Sections 253 to 271, inclusive, to read as follows:

Article XXVII. Off-street Vehicular Parking

General.

Sec. 253. In addition to all other powers elsewhere enumerated in this Charter or granted or hereafter granted to the City of Oakland by the Constitution or laws of the State of California, the City of Oakland shall have power to acquire (whether by purchase, lease, eminent domain, or otherwise), construct, establish, improve, extend, maintain, operate, administer, lease and sublease off-street vehicular parking facilities and places within the City of Oakland, including any and all public parking lots, garages, or other automotive parking facilities, in order to relieve traffic congestion and promote the welfare of the citizens and inhabitants of said City, and, for the payment of the cost thereof, to issue bonds payable from the revenues of any such off-street vehicular parking facilities and from other revenues, all as hereinafter provided in this Article. One of the prime purposes of conferring the above mentioned powers upon the City of Oakland is to aid in providing low cost off-street parking for automotive vehicles within sections or portions of the City where additional offstreet parking is needed. Off-street vehicular parking

Definitions.

Sec. 254. The following terms whenever used or referred to in this Article, or in any resolution of issue, shall have the following meanings, respectively, unless a different meaning appears from the context. Definitions

(a) Bonds. The term "bonds" or "revenue bonds" means the written evidence of any obligation issued by the City, payment of which is secured by a pledge of revenues or any part

of revenues, as provided in this Article, in order to obtain funds with which to carry out any of the purposes of this Article, irrespective of the form of such obligation. All revenue bonds issued pursuant to this Article shall be payable exclusively from revenues.

(b) Project. The term "project" means any one or more off-street vehicular parking facilities referred to in Sec. 253 and designated by the City as a project in a resolution of issue.

(c) Existing Off-Street Parking Facilities. The term "existing off-street parking facilities" means and includes any off-street vehicular parking facilities now or hereafter owned by the City and operated or controlled by the City at the time of adoption of a resolution of issue and not theretofore designated by the City as a project in a resolution of issue and not acquired, constructed, established, improved, extended, maintained, or operated, in whole or in part, from the proceeds of sale of any revenue bonds.

(d) Revenues. The term "revenues" means and includes any and all rates, fees and other charges received or receivable in connection with, and any and all income and receipts of whatever kind and character derived by the City from, the operation of a project, or arising from a project, including any such revenues as may have been or may be impounded or deposited in any fund created for the security or further protection of revenue bonds or for the purpose of providing for the payment of the principal thereof or the interest thereon. The term "revenues" also includes (a) net revenues from on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City and (b) net revenues of any existing off-street parking facilities to the extent that net revenues from either or both of said sources shall be pledged or otherwise made available for the payment of operation and maintenance costs of any project or as security or further protection for bonds by a resolution of issue.

(e) Net Revenues. The term "net revenues" when used with reference to on-street parking meters within the City means and includes the gross revenues collected by the City during any fiscal year from the establishment and operation of such on-street parking meters after deducting therefrom the actual necessary costs and expenses of (a) the acquisition, installation, maintenance and replacement of such parking meters, (b) the collection of revenues therefrom and (c) enforcement of all parking meter ordinances and regulations, all calculated on sound accounting principles, but without any allowance for depreciation or obsolescence. The Council of the City of Oakland may determine that the term "net revenues" when used with reference to any existing off-street parking facilities means and includes the gross revenues collected by the City during any fiscal year from the establishment and operation of such existing off-street parking facilities after deducting therefrom all taxes and payments in

lieu of taxes payable with respect to such facilities and the actual necessary expenses of maintaining and operating such facilities, calculated on sound accounting principles, but without any allowance for depreciation or obsolescence.

(f) Resolution of Issue. The term "resolution of issue" means any agreement entered into by the Council, including any resolution adopted by the Council, pursuant to which revenue bonds are issued, and includes any agreement entered into or resolution adopted by the Council amending, modifying or supplementing a resolution of issue irrespective of the form thereof.

Grant of Power.

Powers. Sec. 255. Without limiting the generality of Sec. 253, the Council of the City of Oakland for any of the purposes of this Article shall have the powers set forth in this section.

Acquisition and disposition of property. (a) Acquisition and Disposition of Property. To acquire, by grant, purchase, gift, devise, lease or by the exercise of right of eminent domain, and to hold, use, sell, lease, sublease or dispose of any real or personal property or any interest in any thereof, including rights-of-way, necessary or appropriate for the full exercise, or convenient or useful for the carrying on of any of its powers pursuant to this Article, except property being used as a facility for the parking of motor vehicles shall not be condemned by the City, unless (a) the project to be furnished or constructed which necessitates the acquisition of the existing parking facility when completed will provide a parking capacity at least three times the parking capacity provided by the existing facility; (b) unless affirmative action indicating the intent of the City to that end shall have been taken prior to the commencement of said condemnation proceedings; and (c) the proposed off-street parking improvement is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. Properties devoted to off-street parking owned by the same person, corporation or other entity and operated under the same general management, under similar rules and regulations, intended generally to serve the same area and within one hundred feet of each other shall be considered an "existing parking facility" for the purposes of this subdivision (a) of Section 255.

Acquisition of project ingress and egress. (b) Acquisition for Project Ingress and Egress. To acquire, by any of the means specified in the foregoing paragraph (a) any lands, property or rights-of-way necessary or convenient for the opening, widening, straightening and extending of streets or alleys necessary or convenient for the ingress to or egress from any project.

Improvements. (c) Improvements. To improve any lands so acquired by the construction thereon of garages or other buildings or improvements necessary or convenient for any project.

Control of project

(d) Control of Project. To construct or cause to be constructed, established, improved, extended, maintained, operated, and to administer, lease and sublease any project.

Rates, fees, etc

(e) Rates, Fees and Charges. To fix rates, fees or charges for the use of the facilities provided by any project, or for any services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the City with respect to the fixing of such rates, fees or charges; and, by a resolution of issue or otherwise, to enter into covenants to increase or decrease rates, fees or charges from time to time, except as may be otherwise specifically provided in a resolution of issue. All rates, fees and charges shall be paid only in such coin or currency as on the date of payment is legal tender for public and private debts, or in scrip or tokens issued only upon payment of the face value thereof in such coin or currency.

Issuance of revenue bonds

(f) Issuance of Revenue Bonds. At any time and from time to time to issue revenue bonds in order to raise funds for the purpose of establishing any project or of acquiring lands including rights of way for any project or of acquiring, constructing, improving, extending, maintaining, operating or administering any project, or of refinancing any project, or for any combination of such purposes, which bonds may be secured as hereinafter provided.

Agreements and leases

(g) Agreements and Leases. To make contracts, leases, subleases and agreements relative to the acquisition, construction, improvement, operation or maintenance of any project or any part of any project with any person, private corporation or public corporation, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency of any thereof, subject to any contractual obligation which may be entered into by the City with respect to the issuance of bonds.

Lease of space for commercial purposes

(h) Lease of Space for Commercial Purposes. To rent or lease for commercial purposes space in any project which in the opinion of the Council is not and will not during the term of such lease be required for off-street vehicular parking facilities, provided that the aggregate of all such space so rented or leased for commercial purposes at any one time in any project shall not exceed twenty per cent (20%) of the surface area of such project and that the term of any such rental or lease shall not exceed a period of fifteen (15) years from its date.

Rules and regulations

(i) Rules and Regulations. To adopt such rules and regulations as may be necessary regarding the operation and maintenance of any project and to enable the City to exercise the powers and perform the duties conferred or imposed by this Article.

(j) Miscellaneous. To do any and all acts or things necessary or appropriate to carry out the purposes of this Article and the provisions, covenants and agreements contained in any resolution of issue adopted pursuant to the authority conferred by this Article; provided that nothing in this section

or elsewhere in this Article contained shall be construed directly or by implication to be in any way in derogation or in limitation of any powers conferred upon or existing in the City by virtue of the provisions of the Constitution or laws of the State of California or any other provision of this Charter.

Pledge of Net Parking Meter Revenues.

Pledge of parking meter revenues

Sec. 256. In addition to all other powers elsewhere enumerated in this Article, the Council shall have power to pledge, place a charge upon, or otherwise make available and authorize payment of all or any part of net revenues collected by the City from the establishment and operation of (a) on-street parking meters within the City now owned or controlled or hereafter acquired or controlled by the City, and (b) existing off-street parking facilities for such periods of years as shall be determined by the Council, for the payment of operation and maintenance costs of any one or more projects authorized by this Article or as security or further protection for the payment of principal of and interest on bonds issued pursuant to this Article.

Authorization of Revenue Bonds.

Authorization of revenue bonds

Sec. 257. Each issue of revenue bonds shall be authorized by the Council by a resolution of issue adopted by affirmative votes of at least a majority of the members of the Council at a duly assembled meeting. Resolutions of issue shall provide for the aggregate principal amount, date or dates, maturities, interest rates, denominations and form, and may provide for the registration, transfer and interchange, of any revenue bonds and coupons issued pursuant to this Article; and shall prescribe the purpose or purposes for which said bonds are to be issued and the terms and conditions on which said bonds are to be executed, issued, secured, sold and paid, and, if desired, the terms and conditions on which said bonds may be redeemed prior to maturity or refunded. The Council may provide for one or several issues of bonds and may issue bonds in series, or may divide any issue into one or more series or divisions and fix different maturities or dates for each series or division, different rates of interest, or different terms and conditions for the bonds of the several series or divisions. Bonds of the same authorized issue need not 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 Council.

Provisions Relating to Bonds and Resolutions of Issue.

Applicable provisions

Sec. 258. The terms and provisions of all revenue bonds issued pursuant to this Article shall be as provided in the

resolution of issue pursuant to which such bonds are issued, subject only to the provisions of this Article, and each such resolution of issue adopted by the Council may contain such provisions as shall be determined by the Council, subject only to the provisions of this Article.

Recital in Bonds; Reference on Bonds to Resolution of Issue.

Recitals, etc., in bonds

Sec. 259. All revenue bonds shall contain a recital on their face that neither the payment of principal of nor of interest on such bonds constitutes a debt, liability or obligation of the City of Oakland, except as provided in this Article. Reference on the face of a revenue bond to the resolution of issue by its date of adoption is sufficient to incorporate all of the provisions thereof and of this Article into the body of said revenue bond and its appurtenant coupons. Each taker and subsequent holder of a revenue bond or coupons, whether such coupons are attached to or detached from said revenue bond, shall have recourse to all of the provisions of the resolution of issue and of this Article and shall be bound thereby.

Security.

Security

Sec. 260. Subject to the provisions of Section 256 hereof all revenue bonds shall be secured by an exclusive pledge and charge upon all or a portion of (a) the gross revenues of the project for the acquisition, construction and completion of which said bonds are issued or authorized to be issued, (b) revenues from on-street parking meters, and (c) revenues of any existing off-street parking facilities subject to any pledges, liens or charges then existing, all as provided for in the resolution of issue. Gross revenues of a project include improvements and extensions of such project later constructed or acquired. The gross revenues of the project, any interest earned on the gross revenues of the project, and all pledged on-street parking meter revenues and pledged revenues of existing off-street parking facilities shall constitute a trust fund for the security and payment of the principal of and interest on the bonds and so long as any bonds or interest thereon are unpaid said revenues and interest shall not be used for any other purpose; provided, however, that a resolution of issue may provide that if the principal of and interest on the bonds and all charges to protect and secure them are paid when due, an amount for the maintenance and operation costs of the project and any and all other costs and expenses relative to the project or the bond, may be apportioned from revenues, but only to the extent specified in the resolution of issue. A resolution of issue may also provide for the use and application of any surplus revenues over and above revenues provided for the payment of the principal of and interest on the bonds, maintenance and operation, costs of the project and any and all other charges, provided that such surplus revenues shall be

used only in the manner and to the extent specified in the resolution of issue.

Bonds of Same Issue to be Equally Secured.

Same

Sec. 261. Bonds of the same issue shall be equally secured by a pledge and charge upon revenues without priority for number, date of bonds, of sale, of execution, or of delivery; except that if the Council authorizes the issuance of bonds of different series it may provide that the bonds in any series shall, to the extent and in the manner prescribed in the resolution of issue, be subordinated and be junior in standing with respect to the payment of principal and interest and the security thereof to such other bonds as may be specified in the resolution of issue.

Sale of Bonds.

Sale of bonds

Sec. 262. Notice inviting sealed bids shall be given in such manner as the Council may prescribe prior to the sale of any revenue bonds. 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 Council determines that the bids received are not satisfactory as to price or responsibility of the bidders, the Council may reject all bids received, if any, and either readvertise or sell the bonds at private sale. The Council may sell bonds at a price below the par or face value thereof, provided that the maximum net interest cost (computed on a 360-day year basis) on bonds sold below par or face value shall not exceed an average of six per cent (6%) per annum, payable semi-annually, to the respective maturity dates of said bonds.

Payment of Incidental Expenses and Interest and Creation of Funds from Proceeds of Sale of Bonds.

Payment of incidental expenses, etc.

Sec. 263. All costs and expenses incidental to the issuance and sale of bonds, including (without limiting the generality of the foregoing) the cost of preparation of the bonds and coupons, the cost of all surveys, of preparation of plans and specifications, of all architectural, engineering, inspection, legal, financial and economic consultant's, trustee's, and fiscal agent's fees, the creation of a bond reserve fund, the creation of a working capital fund, and bond interest estimated to accrue during the period of acquisition or construction of a project and for a period of not to exceed six (6) months thereafter, all as provided for in the resolution of issue, may be paid out of the proceeds of sale of the bonds.

Construction Fund; Investment.

Construction fund

Sec. 264. The proceeds of sale of revenue bonds shall either be deposited in a fund separate and apart from all other funds

of the City or paid direct to any bank or trust company designated by the Council as the fiscal agent of the City, and said proceeds shall be held by the City or such fiscal agent in a separate account to be designated the "Construction Fund" and be disbursed in the manner and upon the conditions provided in the resolution of issue for the object and purpose of the acquisition, construction and completion of the project therein designated, including the payment of all incidental expenses and interest and the creation of funds as provided for in Sec. 263 of this Article. Moneys in any construction fund may be invested as the Council in its sole discretion shall determine, subject only to such limitations as may be provided in the resolution of issue. Moneys in a construction fund remaining unexpended after said object and purpose shall have been completed shall be applied to the payment of the principal of and interest on said bonds, and none of said moneys shall be transferred to any other fund of the City or used for any purpose other than as specified in the resolution of issue.

Continuous Operation of Project: Repairs, Renewals and Replacements.

Continuous operation of project

Sec. 265. So long as any revenue bonds shall be outstanding, the City shall operate or cause to be operated the project, designated in the resolution of issue relating to such bonds, continuously and in an efficient and economical manner and in good working order and condition and shall make all necessary repairs, improvements and replacements.

Rates, Fees and Other Charges.

Rates, fees, etc

Sec. 266. The Council shall prescribe, revise and collect rates, fees and charges (a) for use of the facilities provided by the project acquired, constructed or completed from the proceeds of sale of bonds, (b) for any services rendered in connection with such project, and (c) for use of any on-street parking meters and existing off-street parking facilities any revenues from which are pledged to secure the bonds. Such rates, fees and charges shall at all times be sufficient to yield revenues from the project and net revenues from such on-street parking meters and existing off-street parking facilities equal to all redemption payments and interest charges on said bonds as the same fall due, together with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the security or further protection of said bonds, or as a depreciation charge or other charge in connection with such project. Such rates, fees and charges shall not be reduced below an amount sufficient to provide funds to meet all obligations specified in the resolution of issue.

Trustee; Fiscal Agent; Paying Agents.

Trustee, fiscal agent, etc

Sec. 267. The Council may designate a bank or trust company, qualified to do business in the State of California, as a trustee or fiscal agent for the City and holders of revenue bonds, and may authorize any such 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 Council may designate any bank or trust company in any city in which any bonds are made payable as the City's paying agent in such city. The Council may fix and determine the conditions upon which any trustee, fiscal agent or paying agent shall receive, hold or disburse any or all revenues deposited with it by or by authority of the City; and may prescribe the duties and powers, if any, of any such trustee, fiscal agent or paying agent with respect to the issuance, authentication, sale and delivery of bonds, the payment of the principal thereof and interest thereon, the redemption thereof, the registration and discharge from registration of bonds and the management of any funds provided for in the resolution of issue as security for the bonds.

Competitive Projects.

Competitive projects

Sec. 268. A resolution of issue may contain a covenant that the City shall not, while any revenue bonds authorized by this Article are issued or outstanding, acquire, construct, complete or maintain within the City or permit any person to maintain on any city-owned property within the City any off-street vehicular parking facilities or places, excepting those therein described, which compete with any off-street vehicular parking facilities or places maintained or operated by the City through the issuance of revenue bonds pursuant to this Article. A resolution of issue may define the word "compete" as used in the preceding sentence and in such resolution of issue. A resolution of issue may except from the covenant authorized to be made by this section any and all off-street vehicular parking facilities then or thereafter maintained by the City.

Use of Surplus.

Use of surplus

Sec. 269. After all of the revenue bonds issued pursuant to a resolution of issue shall have been fully paid or discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in any construction fund or other fund provided for the security or further protection of the bonds shall become and be the property of the City and be used by the City for any lawful purpose.

Rights of Bondholders.

Rights of bondholders

Sec. 270. Except as provided otherwise in any resolution of issue, the holder of any bond issued pursuant to this Article may by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the City or any official or employee of the City or assumed by any thereof in connection with the acquisition, construction, completion, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of rates, fees and charges derived from the operation and use of any project and all other revenues, or in connection with the deposit, investment or disbursement of the proceeds received from the sale of the bonds under this Article. 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 Article.

Article Confers Complete Authority; Provisions of Article Alternative.

Applicability of provisions

Sec. 271. The provisions of this Article constitute full and complete authority for the issuance of revenue bonds as herein provided by the Council of the City of Oakland and no procedure, or proceedings, consents, approvals, orders or permission from any municipal officer or board of the City of Oakland, shall be required for the acquisition, construction or completion of any project, or the issuance of any revenue bonds under this Article, except as specifically provided in this Article. The powers and authorities conferred by this Article are in addition to and supplemental to all other powers and authorities conferred upon the City of Oakland. The method provided in this Article for the acquisition, construction and completion of projects and the issuance of revenue bonds shall be deemed an additional method for acquiring, constructing and completing such projects and providing funds therefor; provided that the City of Oakland may, in its discretion, acquire any properties for off-street vehicular parking facilities and issue general obligation bonds of the City of Oakland therefor, subject, however, to the condition that the City of Oakland shall not, while any revenue bonds authorized by this Article are issued and outstanding, acquire, construct or complete any off-street vehicular parking facilities, other than those specifically described in a resolution of issue pursuant to the provisions of Sec. 268 of this Article, which compete with any project operated or maintained through the issuance of revenue bonds by the Council. Revenue bonds issued under this Article shall not be taken into consideration in determining the bonded indebtedness which the City of Oakland is authorized to incur and shall be excluded from

any limitation provided by this Charter or by law on the amount of bonded indebtedness of the City.

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 and exact 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 25th day of May, 1955.

CLIFFORD E. RISHELL
(SEAL) Mayor of the City of Oakland
GLADYS H. MURPHY
City Clerk of the City of Oakland

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 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 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, 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 Oakland.

CHAPTER 188

Senate Concurrent Resolution No. 96—Relative to congratulating the California State Aerie, Fraternal Order of Eagles, on their fifty-second anniversary.

[Filed with Secretary of State, May 31, 1955.]

WHEREAS, The Convention of the California State Aerie, Fraternal Order of Eagles, under the theme "Fraternal and Humanitarian Service in California," will be held in the City of Long Beach, California, on June 24, 25, and 26, 1955, to celebrate the fifty-second annual convention of the California State Aerie of the Fraternal Order of Eagles and the seventh annual convention of the California State Auxiliary of the Fraternal Order of Eagles; and

WHEREAS, The state aerie was organized in San Francisco August 3, 1903, through the efforts of James Cheetham of San Francisco who was the first past state president, and the late Judge C. P. Rendon of Stockton who was elected first state

president of the organization, both of whom were active in the order; and

WHEREAS, At the first meeting held in San Francisco only 12 local aeries were represented with approximately 40 delegates in attendance, but at the coming convention there will be approximately 200 Eagle aeries represented with over 100,000 members and 137 auxiliaries with over 12,000 members; and

WHEREAS, During the 52-year period this organization has been in existence, it has sponsored and acted in connection with many humanitarian accomplishments such as the Workmen's Compensation Act, Mothers' Pension Act, social security laws, and aid to the needy aged, the first Old Age Pension Act referred to by the Eagles as "aid to the needy aged" being established in the State of Montana through the efforts of the Eagles organization of that state; and

WHEREAS, Some of the other humanitarian achievements in which the California State Aerie has participated include construction of a two hundred thousand dollar ($200,000) dormitory at Father Flannigan's Boys' Town in Nebraska and sponsorship of the Damon Runyon Cancer Fund in this State, and the establishment by the Legislature of residential schools for unfortunate, dependent and homeless boys and girls known as California Academies; and

WHEREAS, The California State Aerie has participated in the establishment of a national memorial foundation fund to assist in the education of children whose fathers lost their lives in World War II or in the Korean conflict, in which fund there is approximately three million five hundred thousand dollars ($3,500,000); and

WHEREAS, In addition to the above activities, many projects have been established on the local level for humanitarian and charitable purposes by the local Eagle aeries; and

WHEREAS, The California State Aerie has completed 52 years of constructive work and is looking forward to another 50 years of humanitarian programs, which programs are of great benefit to the people of the State; 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 opportunity to congratulate the State Aerie, Fraternal Order of Eagles on its fifty-second anniversary and compliment it on the great achievements it has accomplished over the past 52 years; and be it further

Resolved, That the Members of this Legislature extend their best wishes for a successful fifty-second anniversary convention of the state aerie and for a successful convention of the ladies auxiliary; and be it further

Resolved, That the Secretary of the Senate is hereby directed to send a suitably engrossed copy of this resolution to Gilbert Seaver of Oakland, California, State President, and Louise Gamble of Santa Maria, California, State Auxiliary President, for presentation to the officers and members at the convention

CHAPTER 189

Assembly Joint Resolution No. 37—Relative to memorializing the Congress of the United States in relation to pending legislation affecting the waters of the Colorado River.

[Filed with Secretary of State, June 1, 1955]

WHEREAS, More than 6,000,000 people of this State depend upon the Colorado River as an important source of water for irrigation, domestic and industrial needs; and

WHEREAS, The metropolitan areas of Southern California, including Los Angeles, San Diego and some 60 other cities depend on the Colorado River for water and hydroelectric power; and

WHEREAS, The Colorado River is the sole source of water to irrigate over 1,000,000 acres of land in this State; and

WHEREAS, Legislation is now pending in the Congress of the United States to authorize the construction of two major power and irrigation projects in the upper basin of the Colorado River at an estimated total cost approximating one billion seven hundred fifty million dollars ($1,750,000,000); and

WHEREAS, One of these projects as contemplated by S. 500, H. R. 270 and companion bills, known as the Colorado River Storage Project, includes (1) the construction of six large dams creating reservoirs with an aggregate storage capacity of 44,000,000 acre-feet and (2) the construction of 14 or more irrigation projects known as "participating projects"; and

WHEREAS, These storage dams are not required to serve the proposed irrigation projects but would store water for power purposes under interpretations of the Colorado River Compact now being defended against by California in the United States Supreme Court in Arizona v. California et al.; and

WHEREAS, The major irrigation participating projects are very costly transmountain diversion projects to take large amounts of the highest quality water out of the Colorado River basin to other river basins; and

WHEREAS, The other project, as contemplated by S. 300 and H. R. 412, and known as the Fryingpan-Arkansas Project, is also a very costly transmountain diversion project to take the best quality water out of the Colorado River basin to the Arkansas River basin, and is the initial phase of a project to divert 900,000 acre-feet of water per annum out of the Colorado River basin; and

WHEREAS, Both of these projects are based upon interpretations of the Colorado River Compact which are now at issue before the Supreme Court of the United States in the case of Arizona v. California et al., and

WHEREAS, These projects, if constructed under those interpretations, would be detrimental to both the quality and quantity of water to which California has rights long established by prior appropriation as well as by contracts with the Federal Government for projects now constructed; and

WHEREAS, Both proposed projects are based upon questionable standards of financial feasibility and if constructed would cost the taxpayers of our Nation several billion dollars in the form of a subsidy to the lands which would be irrigated; and

WHEREAS, California is the second largest taxpaying state in the Nation, and would therefore be doubly injured if these projects were authorized both by the impairment of the quality and quantity of water to which existing California projects have established rights, and by the burden of a tremendous tax load; 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 is hereby respectfully memorialized and urged to suspend further consideration of legislation authorizing the Colorado Storage Project and participating projects, and legislation authorizing the Fryingpan-Arkansas Project until the Supreme Court decides the case now before it; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the Senate of the United States, 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 190

Assembly Concurrent Resolution No. 144—Relative to congratulating Chester G. Hanson on his retirement.

[Filed with Secretary of State, June 1, 1955.]

WHEREAS, This is the final legislative session for Chester G. Hanson, who will retire from his post as political writer and author of the "Sacramento Mail Sack" column for the Los Angeles Times; and

WHEREAS, Chick Hanson has graced these halls since the 1935 Session, and his ability as a news and political reporter plus a profound knowledge obtained as a student of government has resulted during all the years in an outsanding job of consistently forthright and objective reporting of the proceedings of the House and the activities of their members; and

WHEREAS, Chick Hanson was born in Chicago on March 27, 1890, his father having come to this Country from Denmark and his mother from Ireland. He studied engineering for two years at Armour Institute of Technology in Chicago and then transferred to Northwestern University where he graduated in 1915; and

WHEREAS, While Chick Hanson in later years has been regarded as somewhat serious and conservative, he once had and did not hesitate to express liberal views as has been the case with so many newspaper writers. This crusading attitude was

exemplified in his work in his cub days on the Chicago Examiner and with the City News Service of Chicago. Conservative or liberal, however, Chick always was and remains a thorough humanitarian. He came west in 1916 intending to become a cowhand but abandoned the venture after an argument with a horse and returned to newspaper work in Phoenix; and

WHEREAS, It was then that he married Helen Duncan, who very evidently was a potent factor in mellowing his attitudes, as the following years indicate the start of marked changes in this respect. Chick Hanson served for two years as secretary to the Chief Justice of the Supreme Court of Arizona. He then returned permanently to newspaper work, and came to California where he worked for the Los Angeles Herald. He joined the staff of the Times in 1923. During the years of service on the Times, news stories by Chick Hanson were included in two national collections published as best news stories of the year. He was awarded an honorable mention in the 1932 Pulitzer journalism prizes in 1933 for a series of stories on the migration of workers into California from the Dust Bowl; and

WHEREAS, Chick Hanson started political reporting about 1930 and, although his reporting instincts and barbed pen have at times tormented struggling, honest, able servants of the people, both at Sacramento and his home base, Chick has gained and held the respect and affection and friendship of thousands of men and women in public life; now, therefore, be it

Resolved by the Assembly of the State of California, The Senate thereof concurring, That the Members of this Legislature hereby extend to Chester G. Hanson their heartiest congratulations upon the occasion of his retirement as political reporter for the Los Angeles Times and express their fervent hope that he and Helen Hanson will enjoy many more happy years together; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a suitably prepared copy of this resolution to Chester G. Hanson and his wife Helen D. Hanson.

CHAPTER 191

Assembly Concurrent Resolution No. 140—Approving certain 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 charter amendment election held therein on the tenth day of May, 1955.

[Filed with Secretary of State, June 1, 1955.]

City of Richmond: Charter amendments

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of certain amendment to the charter of the City of Richmond, a municipal corporation in

the County of Contra Costa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF RICHMOND OF A CERTAIN CHARTER AMENDMENT

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA } ss.
CITY OF RICHMOND

Certification

We, the undersigned, John J. Sheridan, Mayor of the City of Richmond, and John De Roy, City Clerk of the City of Richmond, 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), 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 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 Resolution numbered 5947 adopted on March 7, 1955, duly and regularly submitted to the qualified electors of said City a certain proposal hereinafter sometimes referred to as Proposition No. 1 to amend the Charter of the City of Richmond and to be voted on by said qualified electors at a special municipal charter amendment election by said Resolution called for said purpose in said City on the 10th day of May, 1955, and consolidated with the general municipal election to be held on said 10th day of May, 1955.

That said Proposition No. 1 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 Richmond; that said Proposition No. 1 was published and advertised as aforesaid on the 18th day of March, 1955, and that said publication 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 Council caused copies of said Proposition No. 1 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, beginning on March 18, 1955, advertised in said Richmond Daily Independent daily, except Sunday, up to and including the day fixed for said election, a notice that copies of said Proposition No. 1 could be had on application therefor at the office of the City Clerk of said City.

That said general municipal election and said special municipal charter amendment election consolidated therewith were duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 10th day of May, 1955, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said Proposition No. 1 in said Richmond Daily Independent.

That the Council of said City of Richmond did, in the manner provided by law, duly and regularly canvass all ballots cast at said general municipal election and said special municipal charter amendment election consolidated therewith as aforesaid, and did, by resolution, duly find and declare that a majority of the qualified voters voting on said charter amendment, voted in favor thereof and that said charter amendment was ratified.

That a majority of the qualified voters voting on said amendment voted in favor of the ratification of and did ratify said proposed amendment to said charter.

That said charter amendment so ratified by the majority of the qualified voters of said city voting at said special municipal charter amendment election are in the words and figures following, to wit:

Proposition No. 1 amending Article XII (General Pension Fund) of the Charter of the City of Richmond to read as follows:

Article XII. General Pension Fund

First: To amend subsection (a) of Section 5 of Article XII by adding at the end of said subsection (a) the following:

"Should any such employee after fifteen (15) years of service become totally permanently disabled by reason of injury or sickness not received in or resulting from the discharge of his duties as such employee, the Pension Board shall order and direct that such person so disabled be retired and thereafter paid during his lifetime, unless cancelled and terminated by the Pension Board, as hereinafter provided, a yearly pension equal to such proportionate share of one-half (½) of the amount of annual salary attached to the position held by him during the three (3) years prior to the date of such retirement as the number of years actually served bears to thirty (30) years."

Retirement after 15 years service

Second: To amend clause (c) of Section 9 of Article XII by inserting to read as follows:

Retirement after 20 years

"(c) after the retirement of such employee on a pension following not less than twenty (20) years of actual service; or"

Third: To amend Section 9 of Article XII by adding at the end thereof the following:

Retirement after 14 to 20 years service

"If an employee or retired employee who has served more than fourteen (14) but less than twenty (20) years shall die from sickness or injury not received in or resulting from the discharge of his duties as such employee, to the widow, child, children, dependent parent, or dependent parents, of such employee shall be paid a proportionate part of the pension benefits provided by this Section 9 as the number of years actually served by such employee bears to thirty (30) years."

And we and each of us further certify that we have compared the foregoing proposed and ratified amendment to the charter of the City of Richmond 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 of said amendment.

The foregoing proposed and ratified amendment to the charter of the City of Richmond is hereby 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. As to said amendment, 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 seal of the City of Richmond to be affixed hereto this 16th day of May, 1955.

JOHN J. SHERIDAN
(SEAL) Mayor of the City of Richmond
JOHN DE ROY
City Clerk of the City of Richmond

and

WHEREAS, Said proposed charter amendment as ratified as hereinabove 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 the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Richmond, 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 alteration or amendment, for and as amendment to and as part of the charter of said City of Richmond.

CHAPTER 192

Assembly Concurrent Resolution No. 139—Approving the charter amendment 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 third day of May, 1955.

[Filed with Secretary of State, June 1, 1955.]

City of Compton: Charter amendment

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

Certification

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 AN ELECTION HELD ON THE 3RD DAY OF MAY, ONE THOUSAND NINE HUNDRED AND FIFTY-FIVE, OF CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF COMPTON, STATE OF CALIFORNIA.

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES } ss.
CITY OF COMPTON

We, Frank G. Bussing, 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 with less than 50,000 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 the 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 amendment be submitted to said electors of said City at the Primary Nominating Election to be held in said City on the 3rd day of May, 1955; and

That said proposed amendment was, on the 20th day of March, 1955, duly published in the "Compton 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. 995, which was duly adopted on the 8th day of March, 1955, provide for the submission to the electors of said City of the charter amendment at the City Primary Nominating Election on May 3, 1955, which date was more than forty (40) and less than sixty (60) days after the completion of the publication of said proposed amendment to the Charter of the City of Compton, as aforesaid; and

That said primary nominating election was held in said City on said 3rd day of May, 1955, which date was more than forty (40) and less than sixty (60) days after said proposed amendment to said Charter had been published in said "The Compton Herald American and The Compton Herald", as aforesaid; and

That at said primary nominating election held as aforesaid, on said 3rd day of May, 1955, a majority of the voters voted in favor of said proposed amendment 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 primary nominating 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 amendment to the Charter of the City of Compton, which amendment is in words and figures as follows, to wit:

CHARTER AMENDMENT No. 1

Tax limits

"Section 1402. 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 such proposition at any election at which the question of such additional levy for municipal purposes is submitted to the electors.

"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, for the retirement of City Employees, due and unpaid or to become due during the ensuing fiscal year.

A special levy, in addition to the above, may be made annually for park, playground, and recreation purposes in an amount not to exceed twenty (20¢) cents on each One Hundred ($100.00) Dollars of the assessed value of taxable property in the City.

Special levies, in addition to the above, may be made annually, for libraries in an amount not to exceed ten (10¢) cents on each One Hundred ($100.00) Dollars of the assessed value of taxable property in the City, and for promotion and advertising in an amount not to exceed five (5¢) cents on each One Hundred ($100.00) Dollars of the assessed value of taxable property in the City.

The limits upon the special levies permitted hereunder may not be exceeded unless authorized by the affirmative votes of two-thirds of the electors voting on such proposition at an election at which a proposal to exceed any such limit is submitted.

The proceeds of any special levy shall be used for no other purpose than that specified."

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, Frank G. Bussing, 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 17th day of May, 1955.

(SEAL)

FRANK G. BUSSING
Mayor of the City of Compton
MRS. CLYDE J. HARLAN
City Clerk of the City of Compton

WHEREAS, Said proposed amendment 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 amendment 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 amendment to the charter of the City of Compton, and as a part of said charter of the City of Compton.

CHAPTER 193

Assembly Concurrent Resolution No. 136—Relative to retirement of Ira F. Smith.

[Filed with Secretary of State, June 1, 1955.]

WHEREAS, It has come to the attention of the Legislature that this summer Ira F. Smith will retire from his position as Business Manager of the University of California, Davis; and

WHEREAS, Ira F. Smith graduated from the University of California in 1911 and has served the university for 39 years, which includes service as a bookkeeper, cashier, accountant, assistant controller, lecturer in agricultural economics, and business manager, and through all the years has been a careful husbandman of state and university resources, insisting on business efficiency in the management of the 3,000-acre campus at Davis which is devoted to research and teaching in agriculture; and

WHEREAS, A leading citizen in his home city of Davis, he is so gifted in common sense and independence in judgment that everyone in the community turns to him for advice and leadership; and

WHEREAS, He is a rugged individualist, yet public servant, who dared to serve all of the people of the State of California to the end that maximum value for each tax dollar would be realized; and

WHEREAS, Always farsighted and responsive to the needs of the campus, he was an early proponent of a reasonable program of modest residence halls for students as a basic necessity of a balanced educational establishment; and

WHEREAS, Since this summer marks the conclusion of such a long career of devoted service to the University of California, it is fitting that the Legislature take notice of the retirement

of Ira F. Smith and of the benefit that his service has been to the University and the State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby commend Ira F. Smith for the distinguished service he has rendered to the University and State of California during his long and noteworthy career and wish him many years of happiness in his retirement, which he so justly deserves; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Mr. Ira F. Smith.

CHAPTER 194

Assembly Constitutional Amendment No. 54—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by amending Section 4c of, and adding Section 4d to, Article VI thereof, relating to the Judicial Department.

[Filed with Secretary of State, June 1, 1955.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its 1955 Regular Session, commencing on the third day of January, 1955, two-thirds of all of the members elected to each of the houses thereof voting in favor hereof, hereby proposes to the people of the State of California that the Constitution of said State be amended as follows:

First. That Section 4c of Article VI thereof be amended to read:

SEC. 4c. The Supreme Court may order any case: (i) in the Supreme Court transferred to a district court of appeal for decision; and (ii) in the district court of appeal for one district transferred to the district court of appeal for another district, or in one division of a district court of appeal transferred to another division of the same district court of appeal, for decision. An order under this section must be made before decision by the court or division from which the case is to be transferred.

Second. That Section 4d be added to Article VI thereof to read:

SEC. 4d. The Supreme Court may order any case in a district court of appeal transferred to it for decision. An order under this section may be made before decision by the district court of appeal or thereafter up to the time such decision becomes final as provided by rule of the Judicial Council.

CHAPTER 195

Assembly Constitutional Amendment No. 53—A resolution to propose to the people of the State of California an amendment to the Constitution of the State of California, by repealing Sections 17 and 25 of Article VI thereof, relating to the Judicial Department.

[Filed with Secretary of State, June 1, 1955]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its 1955 Regular Session, commencing on the third day of January, 1955, two-thirds of all of the members elected to each of the houses thereof voting in favor hereof, hereby proposes to the people of the State of California that the Constitution of said State be amended as follows:

First. That Section 17 of Article VI thereof be repealed.

Second. That Section 25 of Article VI thereof be repealed.

CHAPTER 196

Senate Joint Resolution No. 21—Relative to the inclusion of certain highways in the National System of Interstate Highways.

[Filed with Secretary of State, June 3, 1955]

WHEREAS, U. S. Highway 395 is an important north and south highway on the Pacific Coast and in the event of a national emergency would provide such a route in California and Nevada east of the Sierra and Cascade Mountains; and

WHEREAS, U. S. Highway 6 and U. S. Highway 50 form essential connections east and west from California through Nevada; and

WHEREAS, State Highway Sign Route No. 12 forms an essential connection east and west across California from the Pacific Coast to the Sierras; and

WHEREAS, Under Section 7 of the Federal-Aid Highway Act of 1944, provision was made for the selection of a national system of interstate highways not exceeding 40,000 miles in total extent, so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico; and

WHEREAS, The Congress is now in the process of enacting legislation which would supply hundreds of millions of additional funds for the national system of interstate highways; and

WHEREAS, The President of the United States has recommended "that the Federal Government assume primary responsibility for the cost of a modern interstate network to be completed by 1964 to include the most essential urban arterial connections at an annual average cost of 2.5 billion dollars" for the next 10 years; and

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, the Congress of the United States, the Secretary of Commerce, the Commissioner of the Bureau of Public Roads, the California Highway Commission, and the State Department of Public Works to take whatever steps are necessary to include the highways described in this resolution in the National System of Interstate Highways; 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, to the Secretary of Commerce and the Commissioner of the Bureau of Public Roads, and to the Chairman and Members of the California Highway Commission and the Director of Public Works.

CHAPTER 197

Senate Concurrent Resolution No. 24—Relative to State Highway Route 34.

[Filed with Secretary of State, June 3, 1955.]

WHEREAS, State Highway Route 34 traverses the Sierra Nevada Mountains through the pass discovered by Kit Carson, probably the most renowned scout of our frontier days; and

WHEREAS, This highway through the mountains has for generations been known by all as the Kit Carson Pass Highway but has never been officially designated as such; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That State Highway Route 34 is hereby designated the "Kit Carson Pass Highway," and the Department of Public Works is requested to erect appropriate signs at both termini of said highway showing this official designation of the highway; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to Mr. Frank B. Durkee, Director of Public Works.

CHAPTER 198

Senate Concurrent Resolution No. 66—Relative to the establishment of a state college in the Mother Lode area.

[Filed with Secretary of State, June 3, 1955.]

WHEREAS, The Mother Lode area of El Dorado, Amador, Calaveras, Tuolumne and Mariposa Counties, is situated in a locality of this State which is not now adequately served by any of the established state colleges; and

WHEREAS, This beautiful and historical area has attracted industry, business, home builders, and settlers desiring to live in the Mother Lode, by its geographic location, agreeable climatic conditions, historic atmosphere, and is growing in number of students desiring education in the region; and

WHEREAS, The opportunity of a college education is now being denied to many young men and women residing in this area who cannot afford the cost connected with living away from home in order to acquire such an education; and

WHEREAS, It is desirable that the Legislature have the benefit of a study of the need for the expansion of the system of publicly supported higher education in this State prior to the establishment of a state college in this area; and

WHEREAS, It may be desirable that a state college, to be known as the State College for the Mother Lode be established and located near Sutter Creek and Jackson in Amador County; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Education is directed to make a study of the need for the establishment of a state college in the locality indicated in the recitals of this resolution and to set forth the results of the study and its recommendations in a report to be made to the Legislature not later than the fifth legislative day of the 1957 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Senate is directed to transmit a copy of this resolution to the Honorable Roy E. Simpson, Director of Education.

CHAPTER 199

Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending the first paragraph of Section 7½ of Article XI, relating to county charters.

[Filed with Secretary of State, June 3, 1955.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1955 Regular Ses-

sion commencing on the third day of January, 1955, 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 the first paragraph of Section 7½ of Article XI, to read as follows:

SEC. 7½. Any county may frame a charter for its own government consistent with and subject to the Constitution (or, having framed such a charter, may frame a new one,) and relating to matters authorized by provisions of the Constitution, by causing a board of 15 freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three-fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by 15 per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of 15 freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within 20 days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than 20 days nor more than 60 days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; provided, that if a general election shall occur in said county not less than 20 days nor more than 60 days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candi-

dates for election as members of said board of freeholders shall be nominated substantially in the same manner as may be provided by general law for the nomination of candidates for county offices. It shall be the duty of said board of freeholders, within one year after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said board of supervisors shall thereupon cause said proposed charter to be published for at least 10 times in a daily newspaper of general circulation, printed, published and circulated in said county; provided, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; and provided, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within 15 days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than 30 days nor more than 60 days after the completion of such publication, or after such posting; provided, that if a general election shall occur in said county not less than 30 days nor more than 60 days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors, 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 forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by the majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors

under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and filed, one in the Office of the Secretary of State and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

CHAPTER 200

Assembly Concurrent Resolution No. 132—Relative to California League of Women Voters.

[Filed with Secretary of State, June 3, 1955.]

WHEREAS, The thirty-fourth annual convention of the California League of Women Voters was held on the seventeenth, eighteenth, and nineteenth of May, 1955, in Sacramento, the capital of our great State; and

WHEREAS, The league is composed of a group of highly intelligent women who devote much of their time to the study of important problems and issues of government on a completely nonpartisan basis, supporting no candidate, but informing the voting public on the merits or demerits of issues confronting the public; and

WHEREAS, The league considered the study of many major problems with which the people of California must cope, including such issues as election reforms, abolition of cross-filing, strengthening of political party responsibility, and problems of government as they are related to education; and

WHEREAS, The League of Women Voters, by its branches throughout the State and Nation, constantly assists the voter to increase his knowledge and understanding of the principles of good government and the legislative procedures of checks and balances employed in all legislative bodies, national, state and local, to protect the rights of the citizen under the Federal and State Constitutions; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby commend the League of Women Voters for its constant and persevering program of assistance to the voter and further commend the league's branches throughout the State and Nation for the tremendous work that they are doing; and be it further

Resolved, That the Members of the Assembly and Senate hereby extend their heartiest congratulations to the California League of Women Voters upon holding its convention in the beautiful capital city of Sacramento; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to the President of the California League of Women Voters and to the presidents of the Sacramento, San Francisco, Fresno, San Diego, and Los Angeles Chapters of the California League of Women Voters.

CHAPTER 201

Assembly Concurrent Resolution No. 124—Relative to the State Park System.

[Filed with Secretary of State, June 3, 1955.]

WHEREAS, The State Park System presently includes the Sonoma Mission and Vallejo Home State Monuments in the City of Sonoma; and

WHEREAS, The five-year program for the State Park System, proposed by the Division of Beaches and Parks, Department of Natural Resources, and approved by the State Park Commission, includes the acquisition of additional lands and properties in the City of Sonoma; and

WHEREAS, These proposed acquisitions include the Casa Grande Adobe, the Sonoma Barracks, and lands and property adjacent to the Vallejo Home and what is now believed to be the original site of the Sonoma Mission; and

WHEREAS, The significance of these sites in the City of Sonoma to the early history of the State makes it necessary that they be acquired at the earliest possible date in order that they might be preserved for future generations; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Beaches and Parks, Department of Natural Resources, take all steps necessary for the immediate acquisition of the historic buildings in the City of Sonoma, the Casa Grande Adobe, the Sonoma Barracks, and the properties adjacent to the present sites of the Sonoma Mission and Vallejo Home State Park, in order that such properties may be included in the State Park System; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of Natural Resources and to the Chief of the Division of Beaches and Parks.

CHAPTER 202

Senate Joint Resolution No. 32—Relative to the extension of hunting season of geese.

[Filed with Secretary of State, June 3, 1955.]

WHEREAS, In recent years there has been an ever increasing number of all varieties of geese which are spending an extended amount of time in the San Joaquin and Sacramento Valleys; and

WHEREAS, These geese are causing great damage to the agricultural economy of this area which in turn leads to a general reduction in the economy of the whole area; and

WHEREAS, An extension of the hunting season on geese and a larger bag limit in this area will not only tend to give the crops of this area the protection from depredation by geese that they should have but will also allow full use of the geese taken both as food and as a fine source of constructive recreation; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Secretary of the Interior and the Director of the Fish and Wildlife Service of the United States to extend the hunting season on geese in the San Joaquin and Sacramento Valley until March 15th of each year and to also substantially increase the bag limit on geese in this area; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit suitably prepared copies of this resolution to the Secretary of the Interior and the Director of the Fish and Wildlife Service of the United States.

CHAPTER 203

Senate Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XVI thereof, relating to State indebtedness.

[Filed with Secretary of State, June 3, 1955.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1955 Regular Session, commencing on the third day of January, 1955, 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 1 of Article XVI thereof, to read:

SECTION 1. The Legislature shall not, in any manner create any debt or debts, liability or liabilities, which shall, singly or

in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars ($300,000), except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within 50 years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged, and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one-fourth of the time of maturity of such debt or liability; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created. Full publicity as to matters to be voted upon by the people is afforded by the setting out of the complete text of the proposed laws, together with the arguments for and against them, in the ballot pamphlet mailed to each elector preceding the election at which they are submitted, and the only requirement for publication of such law shall be that it be set out at length in ballot pamphlets which the Secretary of State shall cause to be printed. The Legislature may, at any time after the approval of such law by the people, reduce the amount of the indebtedness authorized by the law to an amount not less than the amount contracted at the time of the reduction, or it may repeal the law if no debt shall have been contracted in pursuance thereof.

CHAPTER 204

Assembly Concurrent Resolution No. 63—Relative to directing the Law Revision Commission to prepare a revision of the Fish and Game Code and to make related studies and recommendations.

[Filed with Secretary of State, June 8, 1955]

WHEREAS, The Fish and Game Code is unique among the codes by reason of the fact under Article 1, Chapter 2, Division 1 thereof, the Fish and Game Commission is granted authority to issue regulations in derogation of provisions of said code; and

WHEREAS, The Fish and Game Commission has exercised this authority with the result that there are numerous provisions in the code superseded by subsequent regulations, and, in addition, there are ambiguities and other defects in the

code, so that such code does not provide a clear and accurate statement of the law of fish and game; and

WHEREAS, The net result of these conditions is that it is extremely difficult for the citizen to apprise himself of the law of fish and game; and

WHEREAS, The California Law Revision Commission has been created by the Legislature for the purposes, among others, of examining the statutes of the State and judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms and of recommending, from time to time, such changes in the law as it deems necessary to eliminate antiquated and inequitable rules of law and to bring the law of this State into harmony with modern conditions; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Law Revision Commission is directed to undertake a study of the Fish and Game Code and to prepare a proposed revision of such code, which would eliminate obsolete, superseded, ambiguous, anachronistic, and other defective provisions of such code, and to submit such proposed revision to the Legislature not later than the tenth legislative day of the 1957 General Session of the Legislature; and be it further

Resolved, That the California Law Revision Commission is directed to study the problem of how best to inform the public of the provisions of the Fish and Game Code and regulations of the Fish and Game Commission and is directed to report to the Legislature its recommendations on this matter at the same time as it submits its proposed revision of the Fish and Game Code; and be it further

Resolved, That the Fish and Game Commission and personnel of the Department of Fish and Game are directed to cooperate with the California Law Revision Commission in its efforts pursuant to this resolution, and the California Law Revision Commission is authorized, for the purposes of this resolution, to consult with persons interested in the law of fish and game.

CHAPTER 205

Assembly Concurrent Resolution No. 33—Relative to revision of California Inheritance and Gift Tax Laws.

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, The California inheritance and gift tax laws are of concern to each and every citizen of the State of California; and

WHEREAS, The provisions of these laws have remained substantially unchanged despite several major revisions of the federal estate and gift tax laws; and

WHEREAS, It might be helpful to the taxpayers and to the tax administrators alike if these California and federal laws

could, insofar as possible, be made to conform; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Law Revision Commission is directed and authorized to study and analyze the provisions of the California inheritance and gift tax laws and the federal estate and gift tax laws, and on the basis thereof to determine what might be done in order to bring the California laws into closer accord with the federal; and be it further

Resolved, That in making such study, analysis and determination, the California Law Revision Commission shall consult with the Inheritance and Gift Tax Division of the State Controller's Office and with any other public or private groups or individuals who might be interested; and be it further

Resolved, That the California Law Revision Commission shall submit a report on the subject of its study, analysis and determination made pursuant to this resolution, together with a draft of any proposed legislation in the matter, not later than the tenth legislative day of the 1956 Budget Session.

CHAPTER 206

Assembly Joint Resolution No. 22—Relative to memorializing Congress concerning minimum wage legislation.

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, The economic well-being of its wage earners is of vital importance to this State; and

WHEREAS, It has been demonstrated that when the wages of labor are insufficient to enable it to purchase the products of agriculture and industry, depression and unemployment soon follow; and

WHEREAS, The rising cost of living has rendered obsolete the present Fair Labor Standards Act, and the minimum wage scales therein contained are insufficient to allow labor to purchase the products of agriculture and industry; 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 to enact legislation to increase the minimum wage provided in the said Fair Labor Standards Act; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President of the United States, to the President of the Senate in the Congress of the United States, to the Speaker of the House of Representatives in the Congress of the United States and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 207

Assembly Concurrent Resolution No. 82—Relative to approving a calendar of topics for study and recommendation by the California Law Revision Commission.

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, Section 10335 of the Government Code provides that the approval of the Legislature, by concurrent resolution, is required in order for the California Law Revision Commission to undertake studies and recommendations of the topics selected by it for study; and

WHEREAS, The commission has submitted to the Governor and the Legislature its 1955 report, containing its selections for study as prescribed by law; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Law Revision Commission is authorized and directed to undertake a study and recommendation of each of the following topics selected by it and set forth in its 1955 report:

Topic No. 1: A study to determine whether the sections of the Civil Code prohibiting the suspension of the absolute power of alienation should be repealed.

Topic No. 2: A study to determine whether the courts of this State should be required or authorized to take judicial notice of the law of foreign countries.

Topic No. 3: A study to determine whether the Dead Man statutes should be repealed or, if not, whether the rule with respect to waiver of the statute by the taking of a deposition should be clarified.

Topic No. 4: A study to determine whether California should continue to follow the rule that survival of actions arising outside California is governed by California law.

Topic No. 5: A study to determine whether Section 201.5 of the Probate Code should be revised.

Topic No. 6: A study to determine whether Section 660 of the Code of Civil Procedure should be amended to specify the effective date of an order granting a new trial.

Topic No. 7: A study to determine whether, when the defendant moves to change the place of trial of an action, the plaintiff should in all cases be permitted to oppose the motion on the ground of the convenience of witnesses.

Topic No. 8: A study to determine whether the law with respect to the "for and against" testimonial privilege of husband and wife should be revised in certain respects.

Topic No. 9: A study for the purpose of revising Sections 1377 and 1378 of the Penal Code to eliminate certain obsolete language therein.

Topic No. 10: A study of the conflict between Penal Code Section 19a, which limits commitment to a county jail to one year in misdemeanor cases, and other provisions of the Penal

Code providing for longer county jail sentences in misdemeanor cases.

Topic No. 11: A study to determine whether Sections 2201 and 3901 of the Corporations Code should be made uniform with respect to notice to stockholders before all or substantially all of the assets of a corporation may be sold.

Topic No. 12: A study to determine whether the jury should be authorized to take a written copy of the court's instructions into the jury room in civil as well as criminal cases.

Topic No. 13: A study to determine whether Sections 389 and 442 of the Code of Civil Procedure should be revised to permit defendants to bring into a civil action by cross-complaint persons who are not "indispensable" parties.

Topic No. 14: A study to determine whether a statute should be enacted to make it unnecessary to have an administrator appointed in a quiet title action involving property to which some claim was made by a person since deceased.

Topic No. 15: A study to determine whether, when the defendant in a divorce or annulment action has defaulted, the court should be authorized to include in a decree of annulment or an interlocutory or final decree of divorce an award of attorneys' fees and costs not exceeding the amount prayed in the complaint without requiring that an order to show cause or notice of motion be served on the defendant.

Topic No. 16: A study to determine whether there is need for clarification of the law respecting the duties of city and county legislative bodies in connection with planning procedures and the enactment of zoning ordinances when there is no planning commission.

CHAPTER 208

Assembly Concurrent Resolution No. 114—Relative to equestrian competition.

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, The United States Army Cavalry has represented this Country with its equestrian team at the Olympic Games, the Pan-American Games and other such international equestrian competitions in the past and until 1948; and

WHEREAS, The United States Cavalry was abolished in 1948, and the American Horsemen, through their voluntary organization, the United States Equestrian Team Committee, have undertaken the patriotic duty of representing this Country and upholding its honor and prestige before the other nations of the world; and

WHEREAS, American horsemen representing the United States in the Olympic Games and other meetings involving international equestrian competition have been handicapped because their mounts have been inadequately trained under

the rules of such competition as set forth by the Federation Equestrien Internationale; and

WHEREAS, Such lack of training has been due to the absence in the United States of competitive events prescribed by F. E. I. rules and regulations; and

WHEREAS, It has been, and is, necessary for equestrian teams representing the United States in such competition to secure horses trained in such events in foreign countries, thus detracting from the international flavor of such competition to the detriment of American position in the field of such competition; and

WHEREAS, The United States in general and California in particular, because this State breeds more horses than any state in the Nation which itself breeds more mounts than any nation in the world, has unlimited opportunity to advance the American position in international equestrian competition; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is the feeling of the Legislature of the State of California that all California fairs, horse shows and other events in which competition between horsemen and their mounts is included should be, and are, encouraged by the Legislature to, include in their schedules one or more events which comply with the rules and regulations which apply to international competition as set forth by the Federation Equestrien Internationale, to the end that riders and their mounts alike may be trained to be able in toto to represent the United States in such international competition.

CHAPTER 209

Assembly Concurrent Resolution No. 131—Relative to the commendation of the attendants in the State Capitol Garage.

[Filed with Secretary of State, June 8, 1955]

WHEREAS, The Members of the Assembly and of the Senate of the State of California have been greatly impressed by the efficiency and courtesy with which the attendants in the State Capitol Garage perform their duties, even under the stress of a busy session of the Legislature; and

WHEREAS, This fine work constitutes a substantial contribution to the expeditious handling of legislative business, and it is fitting that these attendants, Warner Van Gundy, Frank Walsh, Floyd Stephens, Mike Westerman, Bill Collins, Charles Sickels and Arvil Knight, receive due credit for this contribution; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby extends to the attendants in the State Capitol Garage its com-

mendation for their efficient and courteous work; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit suitably prepared copies of this resolution to Mr. Ellsworth Scammon, Chief of Automotive Management, and to the state employees commended.

CHAPTER 210

Senate Joint Resolution No. 30—Relative to levees on the San Joaquin River and the Stockton Deep Water Channel.

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, For the purpose of improving navigation and eliminating a projection of land into the Stockton Deep Water Channel and the San Joaquin River, it has been proposed that there be constructed therein a deep water turning basin opposite Rough and Ready Island; and

WHEREAS, A portion of the north levee of the Stockton Deep Water Channel has already been weakened by the wave wash of ocean-going vessels; and

WHEREAS, The ships going and coming to the United States Navy Supply Depot, which is opposite the levee, have contributed greatly to the damage to the levee; and

WHEREAS, The proposed turning basin will increase the wave washing damage to the same levee; and

WHEREAS, In the event of a break in the levee, a heavily populated area with homes of families of moderate circumstances, containing approximately 4,000 property owners, would be flooded, with probable great loss of lives and property; and

WHEREAS, The United States Corps of Engineers has recognized this danger and has proposed a project for the repair and improvement of the levee, which proposal is included in House of Representatives Document No. 752, Eightieth Congress, Second Session; and

WHEREAS, The levee repair and improvement project has been authorized, but no financial provision therefor has been made by the Congress of the United States; 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 be respectfully memorialized to provide an appropriation for the purpose of improving and repairing the north levee of the Stockton Deep Water Channel and the San Joaquin River in order to protect the lives and property of the inhabitants of the area; 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 Secretary of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

CHAPTER 211

Senate Joint Resolution No. 31—Relative to construction of a super-carrier at San Francisco.

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, The United States is, at the present time contemplating the construction of additional aircraft carriers of the 60,000 ton Forrestal class; and

WHEREAS, Shipbuilding facilities adequate to undertake the construction of such super-carriers are available in the San Francisco area; and

WHEREAS, Sound military logic during this critical period of world affairs clearly dictates the imperative necessity for the diversification of ship construction; and

WHEREAS, The maintenance of a healthy ship construction industry in the San Francisco area is particularly important in view of the current Asiatic crisis; and

WHEREAS, The maintenance and availability of such an industry in the San Francisco area depends in a large measure upon work being provided 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 does hereby respectfully urge the Federal Government to provide for the construction of one of the contemplated Forrestal class carriers in the San Francisco area; and be it further

Resolved, That the Secretary of the Senate be hereby directed to prepare and transmit suitable copies of this resolution to the President and the 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, to the Secretary of Defense, and to the Secretary of the Navy.

CHAPTER 212

Senate Concurrent Resolution No. 75—Relative to designating the month of September, 1955, as "California Flower Month."

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, A bounteous nature has endowed the State of California with an unusual fertility of soil and an unbounded

supply of sunshine, resulting in the growth of an unsurpassed variety of flowers and growing things; and

WHEREAS, There are among the citizens of this State great numbers of persons who possess the knowledge, skill and industry to use for the beautification of our State these God-given blessings for the growth and propagation of flowers; and

WHEREAS, These loyal citizens of California, contributing to the beauty and welfare of our State, share their rich harvest of color, unsurpassed beauty and endless variety, not only for their own prosperity but also for the edification and enjoyment of other persons both here in this State and throughout the Nation, thereby enriching with beauty the lives of millions of fellow Americans and adding to the glory of the name of our great State of California, and

WHEREAS, These men and women, who together constitute those engaged in the floral industry of California, and whose endeavors result in an annual income of $90,000,000 shared among the thousands of persons who labor at such industry, will gather in the City of San Jose for an annual convention between the eighth and eleventh days of September of this year under the auspices of the California State Florists Association; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in recognition of the floral industry of California and its importance to the continued prosperity of this State, and in grateful acknowledgment of the contribution of the floral industry to the happiness of mankind, the month of September, 1955, be designated in California as "California Flower Month"; and be it further

Resolved, That the Secretary of the Senate shall transmit a suitably prepared copy of this resolution to the California State Florists Association and other interested persons.

CHAPTER 213

Senate Joint Resolution No. 7—Relative to the Federal Soil Conservation Program.

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, The soil conservation program in the State of California is operated by and for farmers at the local level with each soil conservation district being a local unit of State government voluntarily organized by the people; and

WHEREAS, Soil conservation districts are formed and operated on the democratic principle of government, and are the most impressive example of decentralization of government in the country today; and

WHEREAS, The program of the United States Department of Agriculture assigns the necessary technicians of the Soil Conservation Service to work with the farmers in soil conservation farming and ranching systems; and

WHEREAS, This program, which has met with great success, has been placed in jeopardy by a proposal which would place soil conservation technical advice on a federal-state grant-in-aid basis and would transfer technicians of the Soil Conservation Service from federal to state pay rolls; 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 retain the present soil conservation program of the Federal Government and to reject any proposals which would drastically change the program as it is being carried out by the Soil Conservation Service of the United States Department of Agriculture; 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 United States Secretary of Agriculture.

CHAPTER 214

Senate Concurrent Resolution No. 98—Relative to discriminatory trade barriers.

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, It has been the public policy of the State of California, ever since its admission to the Union in 1850 to stimulate and encourage the fullest development of its resources, to promote its agriculture and commerce and to secure to its people a high standard of life; and

WHEREAS, The soil and climate of the State are more hospitable than any other area the world over to the growing of grapes of all types and varieties for domestic use, for unfermented juice, for conversion into raisins and for processing into a wide spectrum of wines for appetizer, table and dessert use, and there has been a sound and continuous growth of the wine industry in the State of California; and

WHEREAS, The area upon which grapes of different kinds are now grown covers an area of approximately 458,900 bearing acres of vineyards in 47 of the 58 counties of the State of California, being more than one-third of all the acreage in the State of California planted to fruits and nuts, and the State of California being the largest fruit-growing state in the United States of America; and

WHEREAS, Grapes have a farm value in excess of 107 million dollars, and the annual return from grapes to the farmers of the State of California is in excess of 130 million dollars; and

WHEREAS, From 40 percent to 60 percent of the annual grape crop of the State of California is used for wine and in 1952, of a total grape crop of 2,967,000 tons, more than 1,201,000 tons were crushed for wine, and in the year 1953, of a total grape crop in excess of 2,400,000 tons, more than a million tons were crushed for wine; and

WHEREAS, The grape and wine industry in the State of California represents taxable property of a value in excess of 500 million dollars, in addition to the taxes paid to the State of California and various counties on wine inventories; and

WHEREAS, The California grape and wine industry affords year-round employment to more than 111,000 persons receiving annual wages of approximately 157 million dollars; and

WHEREAS, The wine industry is enmeshed into the economy of the State of California and directly or indirectly is a source of revenue to a host of commercial, transportation and financial interests in an annual amount in excess of 80 million dollars, and the whole economy of the State of California is affected by the prosperity or depression of the wine industry; and

WHEREAS, From the time since California became a state it has introduced new types of vines from Europe, developed insecticides, engaged in experimental work to promote the health of growing plants, created new varieties and types of vines, provided information to growers of grapes and vintners and created a system of orderly marketing and directly concerned itself with promoting the industry, with the result that a number of agencies of the State Government, including the Department of Agriculture, the University of California and the Agricultural College at Davis are engaged in activities to aid in its development and progress; and

WHEREAS, A number of states of the Union have employed statutes of their legislatures to set up trade barriers to the end of abridging or prohibiting the entrance of California wines into their markets; and

WHEREAS, The convention which drew up the Constitution of the United States was called for the very purpose of eliminating the trade barriers set up between the several states, the Constitution itself through numerous provisions in that instrument seeks to make of the continental United States a single free trade zone, and to assure to the products of every lawful industry access to the national market; and

WHEREAS, Unless the power of a state in the Union to set up trade barriers against commodities produced in other states is decreed to be unlawful, acts of the states in setting up trade barriers threaten seriously to impair the integrity of the national economy to the detriment of the State and people of California; and

WHEREAS, The State of California, as a sovereign and as Parens Patriae, has over the decades formulated a public policy for the promotion of its agriculture and the welfare of its people, and trade barriers such as those mentioned above threaten to drive a wedge between this policy and the results which naturally may be expected to flow from it; and

WHEREAS, The persons and interests which are adversely affected by trade barriers set up by several states are more comprehensive than the parties whose stakes in the industry are so direct and immediate that they have causes of action of their own; and

WHEREAS, The interest of the State of California as sovereign and as Parens Patriae is more comprehensive than the interest of private parties which have a stake in the wine industry, and the interest of the State is of a different character from that of the individuals who are immediately concerned; and

WHEREAS, Unless relief is given from the trade barriers set up by several states, and unless the power of the states to set up such trade barriers is abated, great, lasting and irreparable harm will be done to the State of California and to its residents; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the grape and wine industry of the State of California is an essential and integral part of the economy of the State of California and is affected with the public interest; and be it further

Resolved, That the Legislature of the State of California hereby respectfully requests that the Governor of the State of California, the Director of the Department of Agriculture and the Attorney General of the State of California direct their attention to the problem of discriminatory trade barriers against California wines wherever the same exist, and, in the exercise of their sound discretion invoke the authority of their respective offices to the end that such discriminatory trade barriers be removed and eliminated so as to secure the free and unrestricted access of the wines of California to the national market; and be it further

Resolved, That the Secretary of the Senate be directed to transmit copies of this resolution to the Governor of the State of California, the Director of Agriculture, and the Attorney General of the State of California.

CHAPTER 215

Senate Concurrent Resolution No. 82—Relative to research on heart ailments by the University of California.

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, Cardiovascular diseases have become the number one killer among the population of California; and

WHEREAS, While recent research has made great strides in the direction of relieving sufferers from such diseases, such research has also indicated that much more can be accomplished by a continuation and expansion of the research program; and

WHEREAS, Techniques almost unknown two decades ago are now being used by physicians and surgeons to relieve the suffering of those afflicted with heart ailments and these techniques would not have been available without the research program mentioned above; and

WHEREAS, The University of California has made significant contributions in the field of research on the causes and effects and possible alleviation or cure of heart ailments and should be encouraged to continue its efforts in this field; and

WHEREAS, The Legislature is desirous of assisting the university to continue its program of research on cardiovascular diseases as evidenced by the inclusion in the 1955-1956 Budget Bill of an appropriation for expanded medical facilities which may be used in whole or part to aid in this program; and

WHEREAS, The Legislature has confidence that the able scientists of the University of California through the continuance of their research in the field of cardiovascular diseases will do much toward alleviating the pain and suffering now experienced by citizens of this State who are afflicted with such diseases or whose relatives are stricken thereby; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California hereby commends the Regents and staff of the University of California on the contributions they have made in the field of research of cardiovascular diseases and requests the regents to continue and expand that research program and to report to the Legislature from time to time its need for funds or other assistance to carry on this humanitarian task; and be it further

Resolved, That the Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Regents of the University of California.

CHAPTER 216

Senate Concurrent Resolution No. 81—Relative to the California Maritime Academy.

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, It has come to the attention of the Legislature that the Board of Governors of the California Maritime Academy is considering the adoption of a new method of appointment of students to the academy; and

WHEREAS, The Members of the Legislature feel that a suitable system for nomination and appointment to the California Maritime Academy will bring forth candidates of outstanding

material who will play an important part in the sea-borne commerce which is so instrumental to the commercial and economic welfare of our State and Nation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California hereby respectfully requests the Board of Governors of the California Maritime Academy to consider the establishment of the following system for the appointment of persons to the academy:

1. That each year a general competitive examination be given throughout the State in such form and manner as the board of governors shall prescribe;

2. That in each year each Member of the Legislature may designate as many persons as he desires from his own district to take the competitive examination to qualify for the entrance to the Maritime Academy;

3. That of the persons taking the competitive examination, the person making the highest score on the examination shall be the nominee from the district if he also meets the physical and other entrance requirements to the academy; but if he does not meet such requirements, then the nominee shall be the first alternate in order of score on the competitive examination who has passed such examination and qualifies for admission by meeting the physical and other entrance requirements;

4. That for 1956 each senatorial and assembly district shall be able to nominate its candidate, but that thereafter the nominee shall come from odd-numbered districts in odd years and from even-numbered districts in even years; provided, however, that whenever it is determined that the nominees from the eligible districts do not fill all the vacancies for the new class to be admitted, then the board of governors shall have discretion to make other appointments from whatever sources it deems desirable;

5. That each year the Governor shall have the right to five appointments at large, such appointments to be entirely within his discretion and to be made from any source whatsoever; provided, that such appointees meet the physical and other entrance requirements of the academy; and be it further

Resolved, That the board of governors is hereby requested, under the general powers given to it under Section 21126 of the Education Code, to adopt regulations to administer the system as proposed above; such regulations to include, among other things, the establishment of a final date at which applications for the competitive examination from designees of the districts shall be accepted, provisions to allow persons from out of State to be admitted, irrespective of the nomination procedure for the senatorial and assembly districts, and the establishment of a list of persons qualified for appointment, such list to include alternates to the nominee, persons from ineligible districts who pass the examination, and from the State at large, and such list to be administered in the complete discretion of the board of governors; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to each member of the Board of Governors of the California Maritime Academy and to the Governor of the State of California.

CHAPTER 217

Senate Concurrent Resolution No. 71—Relative to reports of the department encampments or conventions of the United Spanish-American War Veterans.

[Filed with Secretary of State, June 8, 1955.]

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 1955 and 1956, 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 218

Senate Concurrent Resolution No. 70—Relative to reports of the annual conventions of the American Legion.

[Filed with Secretary of State, June 8, 1955.]

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 1955 and 1956, 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 219

Senate Concurrent Resolution No. 51—Relative to the establishment of a state college in the area of Napa and Solano Counties.

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, The area of Napa, and Solano Counties is situated in a locality of this State which is not now adequately served by any of the established state colleges; and

WHEREAS, This area, having attracted industry, business, and home builders by its excellent climatic conditions and geographic location, is one of the most rapidly growing regions in the State; and

WHEREAS, The opportunity of a college education is now being denied to many young men and women residing in this area who cannot afford the cost connected with living away from home in order to acquire such an education; and

WHEREAS, It is desirable that the Legislature have the benefit of a study of the need for the expansion of the system of publicly supported higher education in this State prior to the establishment of a state college in this area; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Education is directed to make a study of the need for the establishment of a state college in the area indicated in the recitals of this resolution and to set forth the results of the study and its recommendations in a report to be made to the Legislature not later than the fifth legislative day of the 1957 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Honorable Roy E. Simpson, Director of Education.

CHAPTER 220

Senate Concurrent Resolution No. 50—Relating to an engineers survey by the Department of Public Works of a road from Twentynine Palms to Rice.

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, The southeastern portion of the County of San Bernardino has experienced unprecedented growth both in population and agricultural and industrial activity; and

WHEREAS, Twentynine Palms and Rice are two communities in this area between which travel at present is extremely difficult although such travel is necessary for many residents of these two areas; and

WHEREAS, The location of many armed forces installations in this area make adequate means of transportation of first importance; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Public Works is requested to make a comprehensive engineering survey of the county road between Twentynine Palms and Rice in San Bernardino County, California and to report to the Legislature at the 1956 Regular Session; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Honorable Frank B. Durkee, Director of the Department of Public Works.

CHAPTER 221

Senate Concurrent Resolution No. 26—Relative to the acquisition by the State of "Fern Canyon."

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, There exists on Home Creek, Humboldt County, immediately to the west of Prairie Creek Redwoods State Park, an area of rare beauty known as "Fern Canyon." This vertical-walled canyon, 30 feet or more deep, is unique in that its sides are covered with myriads of the rare and delicate five-fingered fern; and

WHEREAS, The Home Creek watershed and environs is privately owned and in the path of logging operations that may virtually destroy the fragile beauty of this "Fern Canyon" through the subsequent accumulation of logging debris therein and through possible disruption of stream flow and moisture conditions; and

WHEREAS, The California State Park Commission has determined that the highest and best use of this area is for state park purposes and has allotted funds subject to the matching provision of Chapter 1422, Statutes of 1945; and

WHEREAS, This outstanding scenic attraction may be lost for all time if steps are not taken for its immediate acquisition; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That it shall be the policy of the State of California to acquire the Home Creek watershed and sufficient acreage of virgin timber in the vicinity to assure preservation intact of the Fern Canyon area and afford logical park boundaries under the Humboldt County master plan of shoreline acquisition; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Director of Natural Resources and to each member of the State Park Commission and to the clerk and members of the Board of Supervisors of Humboldt County.

CHAPTER 222

Senate Concurrent Resolution No. 25—Relative to alternate route for Redwood Highway.

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, The steady increase of traffic on the Redwood Highway indicates the need in the relatively near future of a modern, standard divided freeway of at least four lanes on that route; and

WHEREAS, This highway (U. S. 101 and, for a short distance U. S. 199) traverses the State redwood parks for 50 miles out of a total length of approximately 400 miles in California; and

WHEREAS, The redwood forests preserved in these parks, containing many trees as old as the Christian era, are world-famous for their spectacular beauty and are among the leading assets of California's billion dollar tourist industry; and

WHEREAS, The widening of the Redwood Highway to four-lane width on its present location through the parks would involve serious impairment, and in some cases virtual destruction of many of the finest groves preserved with State funds matched with millions in private gifts; and

WHEREAS, The State in accepting such gifts, assumed a trusteeship which carries the obligation to exert every effort to avoid, if possible, the destruction which a four-lane freeway would entail on its present line; and

WHEREAS, The present highway, particularly in Humboldt Redwoods State Park, would serve its highest purpose and give greater pleasure to tourists and recreationists if it could be maintained as a parkway relatively free from trucking and commercial traffic, and, with reasonable modifications in the interest of safety at certain points, would satisfactorily serve as such a tourist parkway for many years to come; and

WHEREAS, In the interest of maintaining the beauty of the present highway and the integrity of the parks, it has been urged that every attempt be made by the Division of Highways and the Division of Beaches and Parks to find new routes along certain portions of this highway, which would meet all traffic requirements and yet would make it unnecessary to cut a wide freeway through the redwood groves; and

WHEREAS, This problem is particularly acute with respect to Humboldt Redwoods State Park; and

WHEREAS, Preliminary examination has indicated that an alternate route to the present line in Humboldt Redwoods State Park, with favorable grades and alignment, is possible; and

WHEREAS, The State Highway Commission, Division of Highways, Department of Public Works, in consultation and cooperation with the State Park Commission, Division of Beaches and Parks, Department of Natural Resources, have undertaken a study of the possibility of the ultimate widened highway being constructed on routes other than the present line, and by-passing the redwood parks approximately 25 miles along U. S. 101 between Phillipsville and Englewood; and

WHEREAS, The State Division of Highways has made a preliminary estimate of the cost of the by-pass highway and is engaged in studying the cost of realignment on the present line of U. S. 101; now, therefore, be it

Resolved, that the Senate of this Legislature, the Assembly concurring, Favors the appropriation from the Park Fund of such sums as may be shown to be necessary to meet the actual difference in cost, if any, between widening the existing U. S. 101 in Humboldt Redwoods State Park and constructing the by-pass highway on a new line.

CHAPTER 223

Senate Joint Resolution No. 34—Relative to the construction of proposed National Forest Highway Route 74.

[Filed with Secretary of State, June 8, 1955.]

WHEREAS, One of the proposed national forest highways in this State is National Forest Highway Route 74 (the "North Fork Route"), which would be located in Sierra National Forest in Madera and Fresno Counties, linking the Bass Lake region and the Shaver Lake and Huntington Lake regions of said national forest; and

WHEREAS, This route will also serve as part of a connecting link between Yosemite National Park and General Grant Grove, Kings Canyon National Park, and Sequoia National Park; and

WHEREAS, Many school children residing in the Bass Lake region attend the Sierra Union High School located in Auberry in Fresno County and at the present time are compelled to spend as much as five hours daily traveling to and from this school on existing roads in this area, and approximately two hours of this time spent in school busses could be eliminated by the construction of National Forest Highway Route 74 between these areas; and

WHEREAS, While some federal-aid funds have been allocated for the construction of a portion of this route, and 4.3 miles of the proposed 26.6 miles of said route have been completed, the existing plans of the United States Forest Service, the United States Bureau of Public Roads, and the California Department of Public Works apparently do not call for the completion of this project in the near future; 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 and the federal and state officials charged with the duty of constructing national forest highways in this State to take whatever steps are necessary to provide for the construction of National Forest Highway Route 74 as soon as practical in the orderly development of the Forest Highway System; 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, to the Commissioner of the Bureau of Public Roads in the Department of Commerce, to the Chief of the Forest Service in the Department of Agriculture, and to the Director of the California Department of Public Works.

CHAPTER 224

Senate Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 2 to Article XXI thereof, relating to the boundary of the State of California.

[Filed with Secretary of State, June 8, 1955.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1955 Regular Session commencing on the third day of January, 1955, 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 adding Section 2 to Article XXI thereof, to read:

SEC. 2. The Legislature, in cooperation with the properly constituted authority of any adjoining state, is empowered to change, alter, and redefine the state boundaries, such change, alteration and redefinition to become effective only upon approval of the Congress of the United States. The Legislature, in connection with such change, alteration or redefinition of boundaries may provide for and deal with all matters involving the taxation or the exemption from taxation of any real or personal property involved in, or affected by, such change, alteration or redefinition of boundaries.

CHAPTER 225

Senate Concurrent Resolution No. 69—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, June 8, 1955.]

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 1955 and 1956, 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 226

Assembly Concurrent Resolution No. 113—Relative to a study in connection with the construction of a state highway linking the Richmond-San Rafael Bridge and State Highway Route 14.

[Filed with Secretary of State, June 9, 1955]

WHEREAS, It is expected that the Richmond-San Rafael Bridge will be completed in 1956; and

WHEREAS, The completion of this bridge will create significant new volumes of through traffic between Marin County and Contra Costa County and the north Bay area; and

WHEREAS, The only link between the bridge and existing state highways on the east shore of San Francisco Bay will be by way of a spur of State Highway Route 69, which joins the main portion of Route 69 (U. S. Highway 40) on what is known as the East Shore Highway in the City of Albany in Alameda County; and

WHEREAS, It appears that another link between this bridge and State Highway Route 14 (U. S. Highway 40) in or north of the City of Richmond is essential in order to adequately serve the through traffic which will be created between Marin County and Contra Costa County and the north Bay area; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Division of Highways of the Department of Public Works be requested to conduct a study and survey as to the traffic demand for such an additional link between the Richmond-San Rafael Bridge and State Highway Route 14 (U. S. Highway 40) to serve Contra Costa County and the north Bay area, the most practical route for this link, and the design requirements for such a link and to report its findings on these matters to the Legislature not later than the date of convening of the 1956 Budget Session; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the Honorable Frank B. Durkee, Director of Public Works, and Mr. G. T. McCoy, State Highway Engineer.

CHAPTER 227

Assembly Concurrent Resolution No. 133—Relative to proclamation of May as United Cerebral Palsy Month.

[Filed with Secretary of State, June 9, 1955]

WHEREAS, The progress and prosperity of the State as a whole are dependent upon the collective health of all its citizens; and

WHEREAS, Cerebral palsy is an ailment which now affects the health of many residents of this State; and

WHEREAS, The condition of a majority of the cerebral palsied can be materially improved, as has been proved during the past five years of United Cerebral Palsy's nation-wide attack upon the problem; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the month of May, 1955, be hereby proclaimed as United Cerebral Palsy Month, and that all citizens of this State are earnestly urged to support the annual campaign of United Cerebral Palsy.

CHAPTER 228

Assembly Joint Resolution No. 40—Relative to saline water conversion.

[Filed with Secretary of State, June 10, 1955.]

WHEREAS, The United States Department of the Interior proposes to engage in a saline water conversion program; and

WHEREAS, In order fully to carry out the saline water conversion program, it is necessary that a research activity be undertaken; and

WHEREAS, Because of the critical nature of the water problems of the City of San Diego, that city would appear to provide an appropriate location for the saline water conversion program research activity in addition to the other locations in California where such research is now being conducted; 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 Congress of the United States to consider locating some of the research activity of the saline water conversion program of the United States Department of the Interior at San Diego, California; 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, to each Senator and Representative from California in the Congress of the United States, and to the United States Secretary of the Interior.

CHAPTER 229

Assembly Concurrent Resolution No. 146—Relative to congratulating "The Tidings," weekly newspaper for the Archdiocese of Los Angeles.

[Filed with Secretary of State, June 10, 1955]

WHEREAS, "The Tidings," weekly newspaper for the Archdiocese of Los Angeles, was named the most distinguished Catholic newspaper in the United States on Thursday, May 26, 1955, at the annual awards luncheon at the National Catholic Press Association convention in Buffalo, N. Y.; and

WHEREAS, In addition to the Nation's top Catholic press award, "The Tidings" won a gold medal for best photography, second place for best cartoons and a third place for best human interest story; and

WHEREAS, "The Tidings" published its first weekly issue on June 29, 1895, and will observe its sixtieth jubilee on Friday, July 1st of this year; and

WHEREAS, "The Tidings' " sixtieth jubilee issue will be a tribute to His Eminence James Francis Cardinal McIntyre, who came to California from New York in 1948 as Archbishop of Los Angeles, and was honored by Pope Pius XII in 1953 by being named a prince of the church, a member of the Sacred College of Cardinals; 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 express to His Eminence, the Most Reverend James Francis Cardinal McIntyre, Archbishop of Los Angeles, to the Right Reverend Monsignor William E. North, Ph.D., Managing Editor of "The Tidings" and to the officers and staff of "The Tidings," its congratulations on the significant contributions made by "The Tidings" in the field of journalism which bring honor and credit to the State of California and its citizens; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby authorized and instructed to send suitably engrossed copies of this resolution to His Eminence, the Most Reverend James Francis Cardinal McIntyre and to the Right Reverend Monsignor William E. North.

CHAPTER 230

Assembly Concurrent Resolution No. 112—Relative to employment of physicians and surgeons by state institutions.

[Filed with Secretary of State, June 13, 1955.]

WHEREAS, Since 1941 the state departments and institutions have been permitted by legislative act to employ physicians and surgeons not licensed in California; and

WHEREAS, This legislation was enacted during the war as an emergency measure when there was a shortage of physicians and surgeons; and

WHEREAS, This legislative permission to employ such unlicensed persons has continued during each biennium until 1955; and

WHEREAS, The institutional inmates are entitled to the same protection and guarantee of good medical care by licensed physicians and surgeons as are the citizens generally; and

WHEREAS, The unlicensed out-of-state physicians that are employed must receive their California certificate within one year's time or be severed from their employment, and this is a hardship upon men from other states who leave their established practices and accept these jobs on a temporary basis; and

WHEREAS, There is a constantly increasing supply of physicians and surgeons available, and California rates among the highest of the states in ratio of physician to patient; and

WHEREAS, The Legislature believes the state departments and institutions could, by diligent efforts, secure California licensed physicians and surgeons to care for the inmates of these institutions; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature hereby request all state institutions utilizing the services of physicians and surgeons to employ, after October 1, 1957, only those physicians and surgeons licensed by the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to send suitably prepared copies of this resolution to the Department of Corrections, Department of Mental Hygiene, Department of Public Health, and the Youth Authority.

CHAPTER 231

Assembly Constitutional Amendment No. 63—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 23 of Article VI thereof, relating to the qualifications of justices and judges.

[Filed with Secretary of State, June 15, 1955.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1955 Regular Session commencing on the third day of January, 1955, 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 23 of Article VI of the Constitution to read as follows:

SEC. 23 No person shall be eligible to the office of a Justice of the Supreme Court, or of a district court of appeal, or of a judge of a superior court, or of a municipal court, unless he shall have been admitted to practice before the Supreme Court of the State for a period of at least five years immediately preceding his election or appointment to such office; provided, however, that any elected judge who has served by election or appointment since November 7, 1945, as such judge or as a justice of the peace of a court superseded by a justice or municipal court and has served continuously as a judge of such superseding court after such date until the establishment, prior to January 1, 1960, of a municipal court, shall be eligible to become the judge of a municipal court which supersedes the court of which he is judge upon the establishment of said municipal court or at the first election of judges thereto and for any consecutive terms thereafter for which he may be re-elected. The requirement of consecutive years of judicial service shall be deemed to have been met even though interrupted by service in the armed forces of the United States during the period of war.

CHAPTER 232

Assembly Joint Resolution No. 38—Relative to H.R. 4927, amending the Immigration and Nationality Act relating to certain Mexican aliens.

[Filed with Secretary of State, June 15, 1955]

WHEREAS, There is no provision in Public Law 414, commonly known as the McCarran-Walter Act, to adjust status for Mexican aliens (citizens of contiguous countries) where the deportation or refusal to grant re-entry will cause, or has caused, extreme family hardship to American citizen spouses or children; and

WHEREAS, It does not appear that it was the intention of the authors or those who supported enactment of this law to cause separation of families and the banishment forever of a parent to Mexico, simply because in the desperate effort of these men to better their environment, they crossed our border without color of right; and

WHEREAS, In many instances in the past individuals have walked across our unguarded southern border, entering the United States illegally in violation of the United States immigration laws; and

WHEREAS, The entry of such persons may have occurred many years prior to their banishment or deportation from this

country, and after they had become the parents of families, and had become taxpayers and respected residents of our country; and

WHEREAS, Separation of mother or father from their children results in great moral, physical, and financial hardship on such persons, leading to juvenile delinquency and disruption of our community life; and

WHEREAS, In addition to the moral hardship caused by the separation of families, this law imposes a serious financial burden upon the taxpayers of this State, in that there are many hundreds of such families compelled to seek social aid and public assistance at a high cost to the taxpayers; and

WHEREAS, Many of our most respected citizens are of Mexican ancestry and our Nation has great ties of friendship with our southern neighbor and friend, who has served with us in the struggle of freedom and democracy in our turbulent world; and

WHEREAS, There is pending before Congress legislation, H R. 4927, which would amend the immigration laws to provide relief from the hardship in such cases, while still imposing adequate safeguards to discourage illegal entrants; 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 enact H. R. 4927; 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 233

Assembly Concurrent Resolution No. 148—Approving four 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 thirty-first day of May, 1955.

[Filed with Secretary of State, June 15, 1955.]

City of Los Angeles Charter amendments

WHEREAS, Proceedings have been taken and had for the adoption and ratification of four 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, John S. Gibson, Jr., 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 nine 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 on the 31st day of May, 1955, all as required by law, which said proposals were designated as proposed charter amendments 1, 2, 3 and 4, respectively.

That on the 20th day of April, 1955, 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 20, 1955, in "The Los Angeles Daily Journal", 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 20, 1955, to and including May 31, 1955; and a notice was advertised and published on and from April 20, 1955, to and including May 31, 1955, in "The Los Angeles Daily Journal", 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 31, 1955, 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 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 7, 1955, 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:

PROPOSED CHARTER AMENDMENT No. 1

Section 170 of the Charter of The City of Los Angeles is amended by adding subsection (d) thereto, to read as follows:

Public parks Excluded land

(d) Where lands forming a portion of an existing public park have been removed from the jurisdiction of the Board by reason of their dedication or use for public purposes incompatible with park use, the remaining lands, or any portion thereof, within such park shall not be subject to the provisions of paragraph (3) of subsection (b) hereof in the event that:

1. The Board and Council find and determine that such remaining lands, or specific portion thereof, are unsuitable for further use as a public park; and

2. Lands of an area at least equal to the lands so found to be unsuitable for further use as a public park are acquired in the same portion of the City and set apart or dedicated as a public park.

PROPOSED CHARTER AMENDMENT No. 2

Sections 171 and 234 of the Charter of The City of Los Angeles are amended to read:

Department of recreation and parks Powers and duties

Sec. 171. The Department of Recreation and Parks shall have the power and duty:

(1) To establish, construct, maintain, operate, and control, both within and without the limits of the City of Los Angeles, the following:

(a) all parks of the City of Los Angeles;

(b) all playgrounds, swimming pools and bath houses, recreation centers, recreation camps, beaches, stadiums, athletic fields and any and all other types or kinds of lands, waters, boats, facilities, machines, structures, or equipment for recreational purposes; including museums, observatories, exhibits, and other functions, works, materials or facilities for public enjoyment;

(c) all property acquired by it or assigned to its jurisdiction for public recreation.

(2) To design, construct and operate, lease, rent or sell concessions or privileges to be exercised for the benefit, education, amusement, convenience or enjoyment of the public, in connection with any function, site or facility under jurisdiction of the board.

(3) To establish schedules of charges for special services.

(4) To aid and promote public recreation, and to cooperate and join with other public agencies, associations and organizations for such purpose.

(5) To establish, maintain and operate playground or other recreational facilities upon portions of public streets, under such terms and conditions as may be fixed by ordinance.

(6) To succeed to all of the powers, duties, functions, funds, facilities and property of the Department of Parks, and the Department of Playground and Recreation, as heretofore constituted under the charter; including the park fund, and the playground and recreation fund, which shall be transferred to the recreation and parks fund.

Board of public works Powers and duties

Sec. 234. The Board of Public Works shall have charge, superintendence and control, except as otherwise specifically provided in this charter:

Of the construction and maintenance of all streets and other places and property enumerated in Subdivision 1 of Section 233 of this charter;

Of all work and improvement in, on, over or under all such streets, places and property;

Of trees, plants, shrubs and lawns in parkings along public streets; subject to street improvements authorized by the city;

Of the design, construction and maintenance of all sanitary and storm sewers and drains of the city, and all connections therewith;

Of the cleaning, sprinkling and lighting of all public ways, streets, avenues, boulevards, alleys, lanes, places and courts, and the lighting of all public parks; of the lighting, heating and ventilating of all public buildings and the design, construction, alteration, maintenance and care of all public works and improvements and of all public buildings belonging to the city; of the disposal of garbage, sewage and street refuse; and of all excavations in public streets or other ways of travel herein mentioned (subject to ordinances regulating the same);

And said Board of Public Works shall have power to proceed with all such construction and maintenance, and to carry

out any of the purposes herein mentioned from any funds under its control and available for such purposes; provided, that nothing in this section shall be construed to abridge the power of the Council to order any work or improvements and to provide the manner of paying therefor, such work or improvement, however, to be done under the superintendence and control of the Board of Public Works.

The Board of Public Works shall have power to acquire and take by purchase, condemnation or otherwise, in the name of the city, any and all property that may be necessary or convenient for the construction or completion of any public work or improvement the construction or completion of which the Board of Public Works has charge, superintendence or control, and the cost of which is to be paid from the proceeds of bonds issued and sold by said city, or from any other funds under the jurisdiction and control of said board available for such purpose.

PROPOSED CHARTER AMENDMENT NO. 3

Section 104 of the Charter of The City of Los Angeles is amended to read as follows:

Civil service examinations Military service credit

Sec. 104. In all original examinations, held pursuant to this charter, the Board of Civil Service Commissioners shall, in addition to all other credits, give a credit of ten per cent of the total credits specified for such examinations to all persons who have served in the armed forces of the United States during time of war or armed insurrection, or during any time when the United States is engaged in active military operations against any foreign power, whether or not war has been formally declared, or when the United States is assisting the United Nations in actions involving the use of armed forces to restore international peace and security, provided that such persons are honorably discharged, or are honorably discharged from active service, although then on the reserve list, and also to the wife of any such honorably discharged person who while engaged in such service in the armed forces, as hereinabove described, was wounded, disabled or crippled and thereby permanently prevented from engaging in any remunerative occupation, and also to the widow of any such person who died or was killed while in such service as hereinabove described.

PROPOSED CHARTER AMENDMENT NO. 4

Section 508 of the Charter of The City of Los Angeles is amended by adding subsection D thereto, to read as follows:

Citizens' board of commissioners Retired members

D. Notwithstanding any other provision of this section, no retired member appointed to a Citizens' Board of Commissioners of any department established by this Charter or by ordinance, shall be barred by reason of such retirement from receiving the attendance fee provided for the members of such board, nor shall any retired member be barred by reason of

such retirement from receiving compensation for serving not more than 45 days in any calendar year as a temporary election employee exempted from the classified civil service of the City pursuant to the provisions of Section 305 of this Charter. No retired member receiving compensation as aforesaid shall, by reason thereof or by reason of rendering service therefor, be considered as an active member of this Retirement System for any purpose whatsoever.

No retired member shall serve as a member of the Board of Administration of the City Employees' Retirement System.

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 7th day of June, 1955.

JOHN S. GIBSON
(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 the City of Los Angeles.

CHAPTER 234

Assembly Joint Resolution No. 39—Relative to providing Santa Clara, Alameda, San Benito, Contra Costa, and Santa Cruz Counties with a supply of water from the Central Valley Project.

[Filed with Secretary of State, June 15, 1955.]

WHEREAS, Santa Clara, Alameda, San Benito, Contra Costa, and Santa Cruz Counties comprise one of the fastest growing regions of the State of California; and

WHEREAS, A great increase in population and in industrial development, together with intense agricultural activity, have combined to tax severely the existing water supplies of the region; and

WHEREAS, At present the watersheds of Santa Clara, Alameda, San Benito, Contra Costa, and Santa Cruz Counties are virtually the sole source of the water supply for the region; and

WHEREAS, To meet the desperate water needs of this region, it is necessary that an additional supply of water be provided with the least possible delay; 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 and the Secretary of the Interior to take such action through the Bureau of Reclamation as may be necessary to conduct and complete with the least possible delay the necessary investigations, surveys and studies for the purpose of providing plans and feasibility reports to furnish a supply of water from the Central Valley Project to Santa Clara, San Benito, Alameda, Contra Costa and Santa Cruz Counties, all generally in keeping with Section 2 of the Act of October 14, 1949 (63 Stat. 852) authorizing the American River Division, Central Valley Project; 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, and to the United States Bureau of Reclamation.

CHAPTER 235

Assembly Concurrent Resolution No. 80—Relative to the construction of State Highway Route 23 between Palmdale and Lancaster as a four-lane highway.

[Filed with Secretary of State, June 15, 1955.]

WHEREAS, State Highway Route 23, which extends from Los Angeles to U. S. Highway 50 near Lake Tahoe and which is

included in the federal highway system as a portion of U. S. Highways 6 and 395, is an important link in both the state and federal highway systems; and

WHEREAS, In addition to the extensive interstate traffic upon this highway, there is also, on the portion of this highway between Palmdale and Lancaster, a large amount of traffic thereon from State Highway Routes 23 and 59, plus local traffic and traffic from Edwards Air Force Base and Palmdale Air Force Base on which three airplane assembly plants are located with a total of 2,400 employees; and

WHEREAS, The area in the vicinity of Palmdale and Lancaster is a center of airplane assembly plants and more of such plants are expected to be constructed in the near future; and

WHEREAS, In the event of atomic attack, tremendous amounts of traffic will flow through this area using this highway; and

WHEREAS, It is essential in order for this portion of State Highway Route 23 to be adequate to support the present traffic, the additional traffic which may be expected within the next few years, and the traffic which will necessarily be imposed upon this highway in the event of atomic attack, that this highway be constructed at the earliest possible time as a four-lane highway; and

WHEREAS, The proposed rerouting of State Highway Route 23 from State Highway Route 4 (U S Highway 99) to Mojave will not be completed for some years, but the traffic requirements between Palmdale and Lancaster necessitate early attention; 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 California Highway Commission be requested either to include in the 1956-7 state highway budget the necessary allocation of money for the construction of State Highway Route 23 between Palmdale and Lancaster as a four-lane highway on the existing alignment, or to complete the plans and expedite to the greatest possible extent the construction of the rerouting of said Route 23 between Palmdale and Lancaster; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to submit a copy of this resolution to the Honorable Frank B. Durkee, Director of Public Works.

CHAPTER 236

Assembly Concurrent Resolution No. 98—Relative to directing the State Water Resources Board to submit estimates of costs and benefits for water development projects.

[Filed with Secretary of State, June 15, 1955.]

WHEREAS, From time to time the State Water Resources Board makes reports and recommendations to the Governor

and the Legislature concerning proposed water development projects; and

WHEREAS, Irrigable land is a limited, irreplaceable resource and basic to the production of food and fiber for our rapidly increasing population; and

WHEREAS, Excellent irrigable land is being encroached upon by the construction of certain public projects, as well as by rapidly expanding urban and industrial development; and

WHEREAS, It is possible that the amount of irrigable land available, rather than the availability of water, could ultimately limit agricultural development in this State; and

WHEREAS, Loss of irrigable land is caused not only by State water development projects but by many other forms of public improvements, including highways, subdivisions, airports, military establishments; and

WHEREAS, In considering the advisability and feasibility of such projects the Legislature should be informed as to the estimates of the relative benefits and costs of each such proposed project; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the State Water Resources Board, in submitting its reports and recommendations to the Legislature on projects to be authorized for immediate construction, include economic studies of such projects based on estimated benefits to be derived from each such project and the costs thereof, considering, among other things, the cost of the facilities, land, and other necessary expenses, and the present worth of the net returns, including annual interest thereon, that would otherwise be derived during the estimated useful life of the project, not to exceed 40 years, from the lands taken for project purposes, listing each item of benefit cost separately; and be it further

Resolved, That all state agencies are hereby requested to consider the problem of encroachment of nonagricultural improvements on irrigable land and to take such action as may be reasonably possible to hold such encroachment to a minimum; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the State Water Resources Board, the State Engineer, the Water Project Authority and all other state agencies concerned.

CHAPTER 237

Assembly Concurrent Resolution No. 147—Relative to the creation of the Joint Committee on Legislative Procedure.

[Filed with Secretary of State, June 15, 1955.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Committee on Legislative Procedure is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the legislative branch of the State Government, to defects or deficiencies in the law governing that branch, to methods whereby legislation is proposed, considered and acted upon, to the operation of the Legislature, to the committees thereof and the means of coordinating the work thereof and avoiding duplication of effort, to aids to the Legislature, and to the ascertainment of facts, information and statistics for the use of the Legislature, the respective houses thereof, and the members, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws and constitutional provisions 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 the members of the Assembly Committee on Rules and five members of the Senate Committee on Rules, and two Members of the Senate to be appointed by the Senate Committee on Rules. Vacancies occurring in the membership 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 1957 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) The committee, and any subcommittee when so authorized by the committee, may meet and act without as well as

within the State of California, and is authorized to leave the State in the performance of its duties.

(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 238

Assembly Constitutional Amendment No. 68—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by an amendment to the first paragraph of Section 1, and to Sections 3, 4, 5, 6, 17, 19, and 27 of, and to add Section 38 to, Article IV, relating to the Legislature.

[Filed with Secretary of State, June 15, 1955]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1955 Regular Session commencing on the third day of January, 1955, 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 as follows:

First: That the first paragraph of Section 1 of Article IV be amended to read:

SECTION 1. The legislative power of this State shall be vested in a Senate and House of Representatives which shall be designated "the Legislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the Constitution, and to adopt or reject the same, at the polls independent of the Legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section or part of any act, passed by the Legislature. The enacting clause of every law shall be "The people of the State of California do enact as follows:"

Second: That Section 3 of Article IV be amended to read:

SEC. 3. Representatives shall be elected in the year 1879, at the time and in the manner now provided by law. The second election of Representatives after the adoption of this Constitution shall be on the first Tuesday after the first Monday in November, 1880. Thereafter, Representatives shall be chosen biennially, and their term of office shall be two years; and each

election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature.

Third: That Section 4 of Article IV be amended to read:

SEC. 4. Senators shall be chosen for the term of four years, at the same time and places as Representatives, and no person shall be a Member of the Senate or House of Representatives who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election.

Fourth: That Section 5 of Article IV be amended to read:

SEC. 5. The Senate shall consist of 40 members, and the House of Representatives of 80 members, to be elected by districts, numbered as hereinafter provided. The seats of the 20 Senators elected in the year 1882 from the odd numbered districts shall be vacated at the expiration of the second year, so that one-half of the Senators shall be elected every two years; provided, that all the Senators elected at the first election under this Constitution shall hold office for the term of three years.

Fifth: That Section 6 of Article IV be amended to read:

SEC. 6. For the purpose of choosing Members of the Legislature, the State shall be divided into 40 senatorial and 80 house of representatives districts to be called senatorial and house of representatives districts. Such districts shall be composed of contiguous territory, and house of representatives districts shall be as nearly equal in population as may be. Each senatorial district shall choose one Senator and each house of representatives district shall choose one Representative. The senatorial districts shall be numbered from 1 to 40, inclusive, in numerical order, and the house of representatives districts shall be numbered from 1 to 80 in the same order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of house of representatives districts no county, or city and county, shall be divided, unless it contains sufficient population within itself to form two or more districts, and in the formation of senatorial districts no county, or city and county, shall be divided, nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any house of representatives or senatorial district. The census taken under the direction of the Congress of the United States in the year 1920, and every 10 years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first regular session following the adoption of this section and thereafter at the first regular session following each decennial federal census, adjust such districts, and reapportion the representation so as to preserve the house of representatives districts as nearly equal in population as may be; but in the formation of senatorial districts no county or city and county shall contain more than one senatorial district, and the counties of small population shall be grouped in districts of not to exceed three counties in any one senatorial dis-

trict; provided, however, that should the Legislature at the first regular session following the adoption of this section or at the first regular session following any decennial federal census fail to reapportion the house of representatives and senatorial districts, a Reapportionment Commission, which is hereby created, consisting of the Lieutenant Governor, who shall be chairman, and the Attorney General, State Controller, Secretary of State and State Superintendent of Public Instruction, shall forthwith apportion such districts in accordance with the provisions of this section and such apportionment of said districts shall be immediately effective the same as if the act of said Reapportionment Commission were an act of the Legislature, subject, however, to the same provisions of referendum as apply to the acts of the Legislature.

Each subsequent reapportionment shall carry out these provisions and shall be based upon the last preceding federal census. But in making such adjustments no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Representatives shall be elected by the districts according to the apportionment now provided for by law.

Sixth: That Section 17 of Article IV be amended to read:

SEC. 17. The House of Representatives shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members elected.

Seventh: That Section 19 of Article IV be amended to read:

SEC. 19. No Senator or Representative shall, during the term for which he shall have been elected, hold or accept any office, trust, or employment under this State; provided, that this provision shall not apply to any office filled by election by the people.

Eighth: That Section 27 of Article IV be amended to read:

SEC. 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more congressmen; but the Legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county, containing a population greater than the number required for one congressional district shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached by compact adjoining house of representatives districts to a contiguous county or counties, and

form a congressional district. In dividing a county, or city and county, into congressional districts no house of representatives district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous house of representatives districts.

Ninth: That Section 38 be added to Article IV, to read:

SEC. 38. Whenever in this Constitution or the laws of this State "Assembly" is used, it shall be deemed to refer to the House of Representatives.

Whenever in this Constitution or the laws of this State "Assemblyman" or "Member of the Assembly" is used, it shall be deemed to refer to Representative.

CHAPTER 239

Assembly Constitutional Amendment No. 17—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 4½ to Article XVI thereof, relating to state construction bonds.

[Filed with Secretary of State, June 15, 1955.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California, at its 1955 General Session commencing on the third day of January, 1955, 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 4½ be added to Article XVI of the Constitution of the State, to read:

SEC. 4½. The issuance and sale of bonds of the State of California in the sum of two hundred million dollars ($200,000,000) and the use and disposition of the proceeds of the sale of said bonds, all as provided in the State Construction Program Bond Act of 1955 authorizing the issuance and sale of bonds for the purpose of providing a fund to be used to carry out the state construction program contemplated by that act, is hereby authorized and directed, and the State Construction Program Bond Act of 1955 is hereby approved, adopted, legalized, validated and made fully and completely effective; provided, that from the proceeds of the sale of said bonds, the sum of not less than sixty million dollars ($60,000,000) shall be available for expenditure for major building construction, equipment and site acquisition for state colleges now or hereafter established. Nothing in this Constitution shall invalidate or restrict the provisions of this section, nor shall this section prevent amendments to the State Construction Program Bond Act of 1955 which are germane to the subject thereof; provided, such amendments do not increase the sum of the bonds herein authorized to be issued and sold nor utilize the proceeds thereof for purposes not related to the construction program generally described therein.

CHAPTER 240

Assembly Concurrent Resolution No. 120—Relative to issuing sets of motor vehicle license plates and tabs to California Members of Congress and to Members of the Legislature.

[Filed with Secretary of State, June 15, 1955.]

WHEREAS, A set of distinctive license plates would serve as a means of identifying Members of Congress and of the Legislature to the public, and are of great assistance to such representatives in the performance of their duties; and

WHEREAS, A set of distinctively numbered license plates and appropriate tabs should be furnished to each Member of Congress or the Legislature who might need them to assist him in the performance of his duties; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Motor Vehicles is hereby requested to furnish upon request one set of distinctively numbered license plates and appropriate tabs to each Member of the Congress of the United States from California, and to each Member of the State Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Motor Vehicles.

CHAPTER 241

Assembly Concurrent Resolution No. 141—Relative to an investigation of the recreational development of the area lying in the watershed of the Santa Ana River above Prado Dam.

[Filed with Secretary of State, June 15, 1955.]

WHEREAS, The area within the watershed of the Santa Ana River above the Prado Dam is now largely in public ownership and is susceptible to development for a variety of recreational uses; and

WHEREAS, The Prado Dam area, lying as it does around the point where the Santa Ana River crosses the boundary line common to Riverside and San Bernardino Counties, is within easy reach of the most populous part of the State; and

WHEREAS, The development of the multiple recreational potentialities with which the Prado Dam area is naturally endowed might be possible of accomplishment at relatively small cost; and

WHEREAS, A comprehensive plan for the development of the recreational facilities of the Prado Dam area should be formulated so that the advantages thereof may be made available to the people of the State; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That the Department of Fish and Game

and the Division of Beaches and Parks of the Department of Natural Resources are requested to make an investigation and study of, and formulate a comprehensive plan for the development and utilization of, the recreational resources of the area lying in the watershed of the Santa Ana River above the Prado Dam, and to report thereon to the Legislature upon the convening of the 1957 Regular Session, including in such report their recommendations as to needed legislation on such subjects; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Director of the Department of Fish and Game and to the Chief of the Division of Beaches and Parks of the Department of Natural Resources.

CHAPTER 242

Senate Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 18 to Article XVI thereof, relating to the issuance of bonds or the appropriation of money to provide loans and grants to school districts of the State, and prescribing the terms and conditions under which such grants and loans to school districts shall be made and repaid.

[Filed with Secretary of State, June 16, 1955.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its 1955 Regular Session, commencing on the third day of January, 1955, 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 18 to Article XVI thereof, to read:

SEC. 18. Bonds of the State of California shall be prepared, issued, and sold in the amount of one hundred million dollars ($100,000,000), in such denominations, to be numbered, to bear such dates, and to bear such rate of interest as shall be determined by the Legislature.

The proceeds of such bonds shall be used:

(a) Subject to such legislation as the Legislature may, from time to time, enact, to provide loans and grants to school districts of the State for use in purchasing and improving school sites, the purchasing of furniture and equipment for schools, and the planning and constructing, reconstructing, repairing, altering, and making additions to, school buildings.

(b) Subject to such legislation as the Legislature may, from time to time, enact, to provide loans and grants to school districts for assistance in providing necessary housing and equip-

ment for the education of physically handicapped minors and mentally retarded minors as those terms are defined in Chapters 9 and 11 of Division 4 of the Education Code.

(c) To pay the expenses that may be incurred in preparing, advertising, issuing, and selling the bonds, and in administering and directing the expenditure of the moneys realized from the sale of such bonds.

The issuance, signing, countersigning, endorsing, and selling of the bonds herein provided for, and the interest coupons thereon, the place and method of payment of principal and interest thereon, the procedure for initiating, advertising and holding sales thereof, and the performance by the several state boards and state officers of their respective duties in connection therewith; and all other provisions, terms, and conditions relating to the bonds, shall be as provided by the Legislature.

The Legislature may appropriate money to be expended in addition to or in lieu of the money received from the sale of the bonds sold under the authority of this section. The money so appropriated shall be expended pursuant to subdivision (a) of this section. If the Legislature appropriates money in lieu of the money received from the sale of the bonds, the total amount of bonds required to be sold pursuant to this section shall be reduced by the amount so appropriated.

The Legislature shall pass all laws, general or special, necessary or convenient to carry into effect the provisions of this section. Such laws may provide for the allocation of funds to school districts pursuant to this section by the State Allocations Board or a similar agency and in that event, notwithstanding any other provision of this Constitution, Members of the Legislature who are required to meet with such board shall have equal rights and duties with the nonlegislative members to vote and act upon matters pending before such board.

The Legislature shall require each district receiving an allocation of money from the sale of bonds pursuant to this section for the purposes prescribed in subdivision (a) of this section to repay such money to the State on such terms and in such amounts as may be within the ability of the district to repay.

The Legislature may require each district receiving an allocation of money from the sale of bonds pursuant to this section for the purposes prescribed in subdivision (b) of this section to repay such money to the State on such terms and in such amounts as the Legislature deems proper.

The people of the State of California in adopting this section hereby declare that it is in the interests of the State and of the people thereof for the State to aid school districts of the State in providing necessary school sites and buildings for the pupils of the Public School System, such system being a matter of general concern inasmuch as the education of the children of the State is an obligation and function of the State.

CHAPTER 243

Senate Concurrent Resolution No. 100—Relative to the toll bridge between Richmond and San Rafael.

[Filed with Secretary of State, June 16, 1955.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the toll bridge being constructed between the Cities of Richmond and San Rafael pursuant to the California Toll Bridge Authority Act is hereby officially named the Richmond-San Rafael Bridge; and be it further

Resolved, That the Secretary of the Senate be directed to transmit a copy of this resolution to the California Toll Bridge Authority.

CHAPTER 244

Senate Concurrent Resolution No. 101—Relative to the passing of Billy Vukovich.

[Filed with Secretary of State, June 16, 1955]

WHEREAS, Sportsmen the Country over, and Californians in particular, were shocked and stunned to learn of the tragic but heroic death of Billy Vukovich at the Indianapolis Speedway last Monday May 30, 1955; and

WHEREAS, Billy Vukovich was a native of Oakland, who moved to the Fresno area as a child, lived near Kerman and then Sanger, and finally made his home in Fresno, during all of which time he manifested a keen interest in midget car racing, becoming the outstanding midget pilot in 1953, winning the classic at Indianapolis with an average speed of 128.74, and was twice the international winner, in addition to numerous other sensational victories; and

WHEREAS, The pages of history are replete with the records of events wherein the finest, the bravest and the most skillful of mankind have sacrificed their lives in the arena, on the gridiron and the race track in the worthy cause of competitive sport; and

WHEREAS, The progress of mankind through the ages has been advanced not alone by the planner, the statesman and the scientist, but has been speeded as well by the adventurer, the type who forded raging rivers, crossed treacherous quicksands and conquered burning deserts; and

WHEREAS, That spiritual quality of zest for adventure which has spurred the finest of our youth to enter athletic and other competitive sports, whether it be soaring into the deep blue yonder, facing the flying spray and the blown spume of the restless sea or hazarding the hurtling tons of flashing metal on the motorway, has been a most potent factor in dis-

tinguishing mankind as the creature cast in the image of God; and

WHEREAS, The weakling, the acquisitive and the self-centered individual may well belittle the sacrifice of the sportsman, as the poet has said—

"They sit at home, and they dream and dally,
Raking the embers of long-dead years—
But ye go down to the haunted valley,
Light-hearted pioneers.
They have forgotten they ever were young,
They hear your songs as an unknown tongue,
But the flame of God through your spirit stirs,
Adventurers—O adventurers!"

now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature extends to the bereaved loved ones of the heroic Billy Vukovich its most sincere sympathy in their loss, but congratulates them on their relationship to one who played the game of life with zeal, enthusiasm and courage, and the Legislature further expresses the hope that Esther, the wife, Billy, the son, and Marlene, the daughter, will, in memory, always accord to the husband and father that full measure of affectionate esteem which is due Billy Vukovich, of whose kind the poet said—

"But death himself to your pride defers
Adventurers—O adventurers."

and be it further

Resolved, That when the Legislature shall cease from its business of enacting legislation on this second day of June, 1955, it shall adjourn in honor of the memory of Billy Vukovich; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to present suitably prepared copies of this resolution to the bereaved members of the family of Billy Vukovich.

CHAPTER 245

Senate Joint Resolution No. 33—Relative to providing Santa Clara, San Benito, and Santa Cruz Counties with a supply of water from the Central Valley Project.

[Filed with Secretary of State, June 16, 1955.]

WHEREAS, Santa Clara, San Benito, and Santa Cruz Counties comprise one of the fastest growing regions of the State of California; and

WHEREAS, A great increase in population and in industrial development, together with intense agricultural activity, have combined to tax severely the existing water supplies of the region; and

WHEREAS, At present the watersheds of Santa Clara, San Benito, and Santa Cruz Counties are virtually the sole source of the water supply for the region; and

WHEREAS, To meet the desperate water needs of this region, it is necessary that the most feasible plan to obtain an additional supply of water be determined with the least possible delay; 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 and the Secretary of the Interior, through the Bureau of Reclamation, to take such action as may be necessary to conduct and complete with least possible delay the necessary investigations, surveys and studies for the purpose of providing plans and feasibility reports to furnish a supply of water from the Central Valley Project to Santa Clara, San Benito, Santa Cruz, Alameda, and Contra Costa Counties, all generally in keeping with Section 2 of the Act of October 14, 1949 (63 Stat. 852) authorizing the American River Division Central Valley Project; 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, and to the United States Bureau of Reclamation.

CHAPTER 246

Senate Joint Resolution No. 36—Relative to the visit of John B. Long to Japan.

[Filed with Secretary of State, June 16, 1955.]

WHEREAS, Mr. John B. Long, General Manager of the California Newspaper Publishers Association, Inc., has been invited to visit Japan during the month of October of this year, for the special purpose of participating in the eighth annual observance of National Newspaper Week in Japan, by Mr. Masao Tsuda, Secretary-General of the Japanese Newspaper Publishers and Editors Association; and

WHEREAS, Mr. John B. Long is the founder of National Newspaper Week, the annual observance of which has as its great purpose the recognition of the importance of a responsible free press to the progress of the Republic economically, socially, and politically; and

WHEREAS, Freedom of the press, under the Constitution of the United States, guarantees the right of the people to know what is transpiring daily in the affairs of the Nation and of the world and guards the right of the people to disagree with the views and acts of their fellow citizens, both of which rights serve to build understanding and protect liberties gained through centuries of struggle; and

WHEREAS, The newspapers of Japan now enjoy and have, for the last decade, enjoyed the same freedom of the press with which we are so familiar and have sent their representatives on occasion to this State to study at first hand the operations of our newspapers under our practices of free reporting and have expressed the thought that the peoples of our two nations can come to know each other better through the columns of the daily press in our respective countries; and

WHEREAS, In these days of international uncertainty and tension there is nothing so important as the cementing of friendly relations, between the free peoples of the Pacific Basin and in particular between the people of our State and Nation and the people of Japan, for the development of greater understanding and appreciation of our mutual needs and opportunities; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature commends our distinguished California citizen, Mr. John B. Long, to the newspapers and the people of Japan as a man who for more than a quarter of a century has covered the sessions of the Legislature as a champion of the rights and responsibilities of a free press and of those individuals and associations who administer the affairs of California newspapers; and be it further

Resolved, That the Legislature express its pleasure at the opportunity which has been afforded Mr. John B. Long to visit Japan and participate in the eighth observance of National Newspaper Week in that nation, and further, express its hope that mutual yearly attention to the work of the newspapers of the two nations may serve as a close liaison between the free press of Japan and the free press of the United States; and be it further

Resolved, That the Legislature record its pleasure in being able to make to the newspapers and the people of Japan this friendly introduction of our State's outstanding authority on freedom of the press in our economy who will be able to discuss, both formally and informally, with key groups in Japan, the operation of our American newspapers in our daily American life; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to Mr. John B. Long and to Mr. Masao Tsuda.

CHAPTER 247

Senate Concurrent Resolution No. 62—Relative to establishment of a junior college in Merced County.

[Filed with Secretary of State, June 16, 1955.]

WHEREAS, The County of Merced has grown in recent years to a population now estimated as in excess of 75,000 persons, and to an economy now measured at approximately a hundred million dollars a year; and

WHEREAS, The populace of this rich and growing region is not adequately served by existing facilities for higher education in state institutions, the young persons of the county who desire higher education being compelled to journey many miles from their homes to attend colleges; and

WHEREAS, It appears that the establishment of a junior college in the area of Merced County may be amply justified upon the basis of the population and wealth of the county; and

WHEREAS, It is desirable that the Legislature have the benefit of a study of the need for the expansion of the system of publicly supported higher education in this State prior to the establishment of a junior college in this area; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Education is directed to make a study of the need for the establishment of a junior college in the area of Merced County, and to report the results of its study and its recommendations to the Legislature not later than the fifth legislative day of the 1957 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Honorable Roy E. Simpson, Director of Education.

CHAPTER 248

Senate Concurrent Resolution No. 74—Relative to the Joint Interim Committee on Transportation Problems.

[Filed with Secretary of State, June 16, 1955.]

WHEREAS, After thorough legislative consideration a program for additional financing of state highways and for the allocation of funds therefor was adopted by the Legislature in 1953; and

WHEREAS, This program has now been under way for less than two years and there now appears to be the possibility of its acceleration if Congress enacts legislation for increased federal aid for state highways; and

WHEREAS, The needs of county roads and city streets relate directly to the needs with respect to state highways; and

WHEREAS, The Legislature has need of the latest information with respect to all of these matters in order that it may enact legislation giving proper consideration to the problems of state highways, county roads, and city streets, both in respect to the extent of the program for each and the method of financing the same, taking into consideration federal aid available; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Joint Interim Committee on Transportation Problems is hereby created, appointed, authorized and directed to ascertain, study and analyze all facts relating to the following:

(a) California's highway, road and street needs, including an appraisal of all deficiencies with respect thereto;

(b) The efficiency and effectiveness of state highway, county road and city street expenditures, including a determination of whether unnecessary, wasteful or extravagant expenditures have been or are being made by any agency of government;

(c) Budgetary practice relating to highways, roads, and streets of the State, counties and cities;

(d) The effectiveness and efficiency of present administrative arrangements pertaining to highways, roads and streets;

(e) The effectiveness of present policies of the state and local agencies with respect to advance planning of highway construction and the advance acquisition of rights of way;

(f) The costs and economic effects of present policies with respect to the construction of limited access highways and metropolitan freeways;

(g) Alternative methods of financing the highway, road and street modernization program of California;

(h) Alternative methods of taxing heavy commercial vehicles equitably in relation to taxes on other highway users, including consideration of the impact and revenues derived from the motor vehicle transportation license tax and alternatives therefor;

(i) The collection and evaluation of data which will provide an equitable basis for the allocation of funds for highway purposes among the various levels of government in this State and among the geographic areas of the State;

(j) The effect of increased federal aid for any class or classes of highways, roads and streets in this State, together with the related effects on other highways, roads and streets, including the possibility of reapportioning funds allocated for highways on which increased federal aid is available for use on other highways, roads and streets.

2. The committee shall consist of the President pro Tempore of the Senate and six other Members of the Senate appointed by the Committee on Rules thereof. Vacancies occurring in the Senate membership of the committee shall be filled by the Senate Committee on Rules. The committee

shall also consist of the Speaker of the Assembly and six other Members of the Assembly appointed by the Speaker thereof. Vacancies occurring in the Assembly membership of the committee shall be filled by the Speaker, or if there be no Speaker by the Assembly Committee on Rules.

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 1957 Regular Session, with authority to file its final report not later than the fifteenth legislative day after the end of the constitutional recess.

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 employ an executive secretary, engineers, auditors and other personnel as it deems necessary to carry out the purposes for which it is created;

(c) 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;

(d) To cooperate with and secure the cooperation of county, 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;

(e) To collect by questionnaires, direct investigation, or otherwise, all such information from the owners and operators of motor vehicles on the highways, roads and streets of this State as it deems necessary in order to formulate a reasonable and equitable system of highway user taxation for all classes of motor vehicle operation and to carry out the other purposes for which it is created;

(f) 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;

(g) To meet and act at any place within the State or within the United States;

(h) 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 committee is authorized in its discretion to appoint an advisory council to consist of nonlegislative members, but which shall include representatives of major state-wide public and private agencies and organizations having a primary interest in streets and highways, as may be determined and appointed by the committee, which council shall aid and advise the committee in the studies conducted by the latter in carrying out the purposes of this resolution. The advisory council shall have and exercise powers and duties as shall be defined from time to time by the committee within the scope of the powers and duties committed to the latter by this resolution.

7. The sum of forty thousand dollars ($40,000) 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 249

Senate Concurrent Resolution No. 84—Relative to the creation of the Joint Committee on Water Problems.

[Filed with Secretary of State, June 16, 1955.]

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.

2. The committee shall consist of 10 Members of the Senate appointed by the Committee on Rules thereof, and 10 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 1957 Regular Session, with authority to file its final report not later than the fifteenth day after the constitutional recess 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 unexpended balance of the money heretofore made available to the Joint Committee on Water Problems, created by Senate Concurrent Resolution No. 13, 1953 Regular Session, and, in addition thereto, the sum of thirty thousand dollars ($30,000) or so much thereof as may be necessary are hereby made available from the Contingent Funds of the Senate and the Assembly for the expenses of the committee created by this resolution 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 250

Senate Concurrent Resolution No. 85—Relative to the Joint Interim Committee on Agriculture and Livestock.

[Filed with Secretary of State, June 16, 1955.]

WHEREAS, At each session of the Legislature numerous bills relating to or affecting agriculture and related matters are introduced; and

WHEREAS, In order to properly consider such measures it is necessary that the Legislature be fully informed as to all facts directly or indirectly bearing thereon; and

WHEREAS, There are numerous items appropriating large sums of money for capital outlay in the State Budget for 1955-56, which include providing structures and facilities for agricultural activities at the several institutions, schools, and colleges, and there are similar capital outlay items in the Post-

war 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, 1951, 1952, 1953, 1954, and 1955 has resulted in a more orderly and economical development of agricultural activities at the several state institutions and schools, and 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, as follows:

1. The Joint Legislative Committee on Agricultural and Livestock Problems is hereby created and authorized and directed to ascertain, study and analyze all facts 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 effect 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 eight Members of the Senate appointed by the Committee on Rules thereof, and eight 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 1957 Regular Session, with authority to file its final report not later than the fifteenth day after the constitutional recess 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 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 forty thousand dollars ($40,000) 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; and be it further

Resolved, That no money be spent which was appropriated by the Budget Act of 1955 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 1955-56 Budget as soon as practicable.

CHAPTER 251

Senate Concurrent Resolution No. 102—Relative to the establishment of a state college in the City of Santa Rosa.

[Filed with Secretary of State, June 16, 1955]

WHEREAS, The City of Santa Rosa is centrally located in a geographical area of the State which now has a potential growth far exceeding any other comparable area in the State; and

WHEREAS, This area has an enviable reputation for its high educational standards and its social and economic development; and

WHEREAS, There has been an influx of new residents and home builders to this area in recent years who have been attracted by its excellent climatic conditions and geographic location; and

WHEREAS, The city is ideally situated to serve the young men and women residing in the area who are desirous of continuing their education in an institution of higher learning; and

WHEREAS, The opportunity of such an education is now being denied to many deserving young people residing in this area because of lack of facilities in which to continue their college education and because of the remoteness of other institutions of collegiate grade; and

WHEREAS, It is desirable that the Legislature have the benefit of a study of the need for the expansion of the system of publicly supported higher education in this State prior to the establishment of a state college in this area; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Education is directed to make a study of the need for the establishment of a state college in the area indicated in the recitals of this resolution and to set forth the results of the study and its recommendations in a report to be made to the Legislature not later than the fifth legislative day of the 1957 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a copy of this resolution to the Honorable Roy E. Simpson, Director of Education.

CHAPTER 252

Senate 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 22 of Article XX thereof, relating to alcoholic beverages.

[Filed with Secretary of State, June 17, 1955.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1955 Regular Session commencing on the third day of January, 1955, 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 XX thereof, relating to alcoholic beverages, to read:

SEC. 22. The State of California, subject to the internal revenue laws of the United States, shall have the exclusive right and power to license and regulate the manufacture, sale, purchase, possession and transportation of alcoholic beverages within the State, and subject to the laws of the United States regulating commerce between foreign nations and among the states shall have the exclusive right and power to regulate the importation into and exportation from the State, of alcoholic beverages. In the exercise of these rights and powers, the Legislature shall not constitute the State or any agency thereof a manufacturer or seller of alcoholic beverages.

All alcoholic beverages may be bought, sold, served, consumed and otherwise disposed of in premises which shall be licensed as provided by the Legislature. In providing for the licensing of premises, the Legislature may provide for the issuance of, among other licenses, licenses for the following types of premises where the alcoholic beverages specified in the licenses may be sold and served for consumption upon the premises:

(a) For bona fide public eating places, as defined by the Legislature.

(b) For public premises in which food shall not be sold or served as in a bona fide public eating place, but upon which premises the Legislature may permit the sale or service of food products incidental to the sale and service of alcoholic beverages. No person under the age of 21 years shall be permitted to enter and remain in any such premises without lawful business therein.

(c) For public premises for the sale and service of beers alone.

(d) Under such conditions as the Legislature may impose, for railroad dining or club cars, passenger ships, common carriers by air, and bona fide clubs after such clubs have been lawfully operated for not less than one year.

The sale, furnishing, giving, or causing to be sold, furnished, or giving away of any alcoholic beverage to any person under the age of 21 years is hereby prohibited, and no person shall sell, furnish, give, or cause to be sold, furnished, or given away any alcoholic beverage to any person under the age of 21 years, and no person under the age of 21 years shall purchase any alcoholic beverage.

The Director of Alcoholic Beverage Control shall be the head of the Department of Alcoholic Beverage Control, shall be appointed by the Governor subject to confirmation by a majority vote of all of the members elected to the Senate, and shall serve at the pleasure of the Governor. The director may be removed from office by the Governor, and the Legislature shall have the power, by a majority vote of all members elected to each house, to remove the director from office for dereliction of duty or corruption or incompetency. The director may appoint three persons who shall be exempt from civil service, in

addition to the person he is authorized to appoint by Section 4 of Article XXIV.

The Department of Alcoholic Beverage Control shall have the exclusive power, except as herein provided and in accordance with laws enacted by the Legislature, to license the manufacture, importation and sale of alcoholic beverages in this State, and to collect license fees or occupation taxes on account thereof. The department shall have the power, in its discretion, to deny, suspend or revoke any specific alcoholic beverages license if it shall determine for good cause that the granting or continuance of such license would be contrary to public welfare or morals, or that a person seeking or holding a license has violated any law prohibiting conduct involving moral turpitude. It shall be unlawful for any person other than a licensee of said department to manufacture, import or sell alcoholic beverages in this State.

The Alcoholic Beverage Control Appeals Board shall consist of three members appointed by the Governor, subject to confirmation by a majority vote of all of the members elected to the Senate. Each member, at the time of his initial appointment, shall be a resident of a different county from the one in which either of the other members resides. The members of the board may be removed from office by the Governor, and the Legislature shall have the power, by a majority vote of all members elected to each house, to remove any member from office for dereliction of duty or corruption or incompetency.

When any person aggrieved thereby appeals from a decision of the department ordering any penalty assessment, issuing, denying, transferring, suspending or revoking any license for the manufacture, importation, or sale of alcoholic beverages, the board shall review the decision subject to such limitations as may be imposed by the Legislature. In such cases, the board shall not receive evidence in addition to that considered by the department. Review by the board of a decision of the department shall be limited to the questions whether the department has proceeded without or in excess of its jurisdiction, whether the department has proceeded in the manner required by law, whether the decision is supported by the findings, and whether the findings are supported by substantial evidence in the light of the whole record. In appeals where the board finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the department it may enter an order remanding the matter to the department for reconsideration in the light of such evidence. In all other appeals the board shall enter an order either affirming or reversing the decision of the department. When the order reverses the decision of the department, the board may direct the reconsideration of the matter in the light of its order and may direct the department to take such further action as is specially enjoined upon it by law, but the order shall not limit or control in any way the discretion vested by law in

the department. Orders of the board shall be subject to judicial review upon petition of the director or any party aggrieved by such order.

A concurrent resolution for the removal of either the director or any member of the board may be introduced in the Legislature only if five Members of the Senate, or 10 Members of the Assembly, join as authors.

Until the Legislature shall otherwise provide, the privilege of keeping, buying, selling, serving, and otherwise disposing of alcoholic beverages in bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and in bona fide clubs after such clubs have been lawfully operated for not less than one year, and the privilege of keeping, buying, selling, serving, and otherwise disposing of beers on any premises open to the general public shall be licensed and regulated under the applicable provisions of the Alcoholic Beverage Control Act, insofar as the same are not inconsistent with the provisions hereof, and excepting that the license fee to be charged bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and any bona fide clubs after such clubs have been lawfully operated for not less than one year, for the privilege of keeping, buying, selling, or otherwise disposing of alcoholic beverages, shall be the amounts prescribed as of the operative date hereof, subject to the power of the Legislature to change such fees.

The State Board of Equalization shall assess and collect such excise taxes as are or may be imposed by the Legislature on account of the manufacture, importation and sale of alcoholic beverages in this State.

The Legislature may authorize, subject to reasonable restrictions, the sale in retail stores of alcoholic beverages contained in the original packages, where such alcoholic beverages are not to be consumed on the premises where sold; and may provide for the issuance of all types of licenses necessary to carry on the activities referred to in the first paragraph of this section, including, but not limited to, licenses necessary for the manufacture, production, processing, importation, exportation, transportation, wholesaling, distribution, and sale of any and all kinds of alcoholic beverages.

The Legislature shall provide for apportioning the amounts collected for license fees or occupation taxes under the provisions hereof between the State and the cities, counties and cities and counties of the State, in such manner as the Legislature may deem proper.

All constitutional provisions and laws inconsistent with the provisions hereof are hereby repealed.

The provisions of this section shall be self-executing, but nothing herein shall prohibit the Legislature from enacting laws implementing and not inconsistent with such provisions.

This amendment shall become operative on January 1, 1957.

CHAPTER 253

Senate Concurrent Resolution No. 42—Relative to making additional funds available to the Joint Committee on Water Problems for the purpose of making a review of the proposed Feather River Project.

[Filed with Secretary of State, June 17, 1955.]

WHEREAS, The Legislature by Chapter 1441, Statutes of 1951, authorized construction of the Feather River Project by the State of California and subsequently appropriated a total of two million two hundred twenty-seven thousand fifty-six dollars ($2,227,056) for the necessary studies, investigations, and surveys and preparation of plans and specifications for the project; and

WHEREAS, There is a recognized need to conserve and develop existing sources of water supply if future domestic, agricultural, and industrial water requirements in the State are to be met; and

WHEREAS, The Water Project Authority, on February 18, 1955, transmitted to the Legislature without comment a report prepared by the State Engineer entitled "Program for Financing and Constructing the Feather River Project as the Initial Unit of the California Water Plan"; and

WHEREAS, The report of the State Engineer concluded that the project is feasible under state financing through the issuance and sale of general obligation bonds of the State secured by water and power revenue and contributions from the General Fund of the State, and recommended immediate action to initiate construction of the project; and

WHEREAS, It is desirable that the Legislature have the benefit of an independent evaluation of the proposal prior to undertaking construction of the project, the cost of which is estimated at approximately one billion five hundred million dollars ($1,500,000,000); and

WHEREAS, The extensive period of time which will necessarily be required to complete the Feather River Project emphasizes the desirability of early implementation of the plan; and

WHEREAS, It is possible to secure a preliminary report prior to the adjournment of the 1955 Session of the Legislature containing general conclusions by independent, competent engineers as to the engineering and economic feasibility of the proposed project, to be followed by a full report to be rendered by December 31, 1955, on engineering, economic and financial aspects of the project, including the inherent relationship of the Feather River Project with the studies recently made by the Board of Consulting Engineers and the State Division of Water Resources on the Biemond Plan and the salt water barriers; and

WHEREAS, The Joint Committee on Water Problems would provide the most suitable means to arrange for an immediate contract with consultants to make a review of the report of the State Engineer and to make available to the Legislature the views of qualified engineering and fiscal personnel not connected with the State of California concerning the proposed Feather River Project; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available to it, the sum of two hundred fifty thousand dollars ($250,000) 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 obligations incurred by the Joint Committee on Water Problems or its members pursuant to and under authority of this resolution and the provisions of Joint Rule No. 37 to be expended equally from the Contingent Funds of the Senate and of the Assembly for the purpose of such a study; and be it further

Resolved, That this resolution shall not be construed as affecting any federal development of the San Luis Reservoir, and be it further

Resolved, That the final report of said consultants shall be made to the Joint Committee on Water Problems or any successor to that committee, or if there be none, then to the Legislature at its first session following December 31, 1955.

CHAPTER 254

Senate Concurrent Resolution No. 87—Relative to the meaning of the term "best bidder" in legislation enacted at the 1955 Regular Session.

[Filed with Secretary of State, June 17, 1955.]

WHEREAS, Legislation is pending at the 1955 Regular Session of the Legislature relating to the letting of public contracts and franchises and, in particular, Assembly Bill No. 3797 relating to the power of counties to grant franchises for the collection of rubbish and garbage; and

WHEREAS, Such legislation provides for the letting of contracts or granting of franchises to "the best bidder"; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the legislative intent in using the term "the best bidder," or any similar terminology, in Assembly Bill No. 3797 or any other legislation relating to the public contracts or franchises is hereby declared to be that such phrase or similar phrase means "the lowest qualified bidder."

CHAPTER 255

Senate Concurrent Resolution No. 99—Relative to cessation of operation by the Key System Transit Lines.

[Filed with Secretary of State, June 17, 1955.]

WHEREAS, The Key System Lines provide the only means of public transportation for many thousands of persons in the San Francisco-Oakland Bay area; and

WHEREAS, As a result of a combination of many circumstances including a current dispute as to wages and hours between the Key System Transit Lines and the unions representing the employees and because of an attempt to increase the fares of these lines which may be unsuccessful there is an immediate threat of a complete cessation of operation of these vital transportation facilities; and

WHEREAS, Such a cessation of operation would constitute a grave public emergency; and

WHEREAS, The California Toll Bridge Authority has jurisdiction over the San Francisco-Oakland Bay Bridge and owns the bridge rail facilities and a majority of the trains used for transportation across these facilities; and

WHEREAS, The California Toll Bridge Authority has certain powers under the California Toll Bridge Authority Act and under contracts with the Key System Transit Lines with reference to mass transportation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in the event of a stoppage of service of the transportation facilities operated by the Key System Transit Lines the California Toll Bridge Authority shall take whatever steps may be available to it under the laws of the State of California or under any contract existing between it and the Key System Transit Lines to insure the continued operation of the facilities under its jurisdiction and in particular these portions of the facilities crossing over the San Francisco-Oakland Bay Bridge; and be it further

Resolved, That for the purposes of carrying out the directive of this resolution the California Toll Bridge Authority shall expend any and all funds available to it for such purposes; and be it further

Resolved, The Secretary of the Senate is directed to transmit suitably prepared copies of this resolution to the California Toll Bridge Authority.

CHAPTER 256

Senate Concurrent Resolution No. 103—Relative to adequate communications facilities and service for the California Highway Patrol.

[Filed with Secretary of State, June 17, 1955]

WHEREAS, The Budget Bills enacted at the 1953 and 1954 Regular Sessions were amended to provide funds for rental and maintenance of communication facilities for the California Highway Patrol following a determination by the Legislature that the communications facilities and services provided the California Highway Patrol by the Division of Communications of the Department of Finance could more adequately and economically be provided pursuant to a contract; and

WHEREAS, No such contract has been executed; and

WHEREAS, An adequate communications system is one of the most important instruments of law enforcement; and

WHEREAS, This Legislature and its Committees on Finance and Ways and Means have been informed and believe that the service and facilities afforded to the California Highway Patrol by the State is inadequate in that there is not adequate contact between stations and patrol cars in many localities, that equipment is frequently out of service for long periods awaiting repair, and that it is economically and practically impossible within the limitations of the State Civil Service System, to provide complete service for 24 hours a day and seven days a week throughout the year and on a state-wide basis; and

WHEREAS, The California Highway Patrol can be provided with adequate, improved and full-time communications facilities and service pursuant to contract; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That, upon the basis of the information received by this Legislature and its committees, it is hereby found and declared that (a) the communications facilities and services provided the California Highway Patrol by the State are inadequate, (b) the State cannot economically or feasibly provide improved and modernized communications facilities, (c) that it is not possible within the limitations of the State Civil Service System for the State to provide complete and adequate state-wide service on a full-time basis throughout the year, and (d) the California Highway Patrol can be provided with adequate, improved and full-time communications facilities and service pursuant to a contract with an independent contractor; and be it further

Resolved, That the Director of Finance is hereby requested to enter into a contract with an independent contractor to provide a complete service for adequate radio communications facilities and maintenance thereof to the degree indicated in the report and offer relative to the communications system of

the California Highway Patrol made to the Legislature pursuant to the resolution of the Senate Finance Committee under date of March 4, 1953; and further it is the intent of the Legislature that the California Highway Patrol and the Department of Finance in contracting for such service shall consider all offerings of comparable communications services and further, that the contract so entered into shall, within 30 days after the execution thereof be filed with the Public Utilities Commission of the State of California; and be it further

Resolved, That, if litigation is commenced to determine the validity of such contract, the Director of Finance is requested to cause such litigation to be defended and take such action as may be necessary to sustain the validity of the contract.